

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-39826 of 2017 (O&M)
Date of Decision: March 08, 2018**

Harish Kumar

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rajesh Dadwal, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this second regular bail application under Section 439 Cr.P.C are that on 16.12.2016 petitioner happened to intervene in the matrimonial dispute of his sister wife of complainant Shiv Kumar and it is alleged that petitioner armed with Khanda attacked the complainant Shiv Kumar and is alleged to have given three injuries out of which injury No.1(a) and 1(b) have been defined to be dangerous to life leading to apprehension of the petitioner on 23.12.2016

Learned counsel for the petitioner contended that it is a case of counter blast set up by the complainant to criminal complaint lodged under Section 376,420,406,120-B and 506 IPC by sister of the petitioner against Shiv Kumar/present complainant and that none of the injury was dangerous to life and there is inordinate delay in registration of FIR.

Learned State counsel has sought to oppose the grant of

bail to the petitioner on the grounds that petitioner is instrumental in causing life threatening injuries to the complainant and that if allowed bail the petitioner would influence the witnesses and stifle fair trial.

Appreciating the submissions, the petitioner is behind the bars for almost one year and 03 months and there is case of previous prosecution lodged by sister of the petitioner and to the very specific query of the Court learned State counsel could not bear out any corroborative medical evidence by way of CT-Scan, MLR or surgical notes to show that any of the injury attributed to the petitioner is covered under the head '*dangerous to life*'. Thus, a debatable issue has arisen as to the applicability of Section 307 IPC. In view thereof and keeping in view that trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, and culpability, if any, shall be determined at the time of trial, the present petition stands allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

(FATEH DEEP SINGH)
JUDGE

March 08, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No