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

**CRM-M No.48759 of 2017
Date of Decision: 15.01.2018**

Gagandeep Singh and another

.....Petitioners

Vs

State of Punjab

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sarju Puri, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.5 dated 27.01.2016 registered under Sections 323, 324, 506, 148, 149, 427 IPC and Sections 307, 326, 325 IPC added later on at Police Station Nurmahal, District Jalandhar City.

As per allegations in the FIR, the occurrence took place on 18.01.2016 and the FIR came to be registered on 27.01.2016. Initially, the FIR was recorded for the offences under Sections 323, 324, 506, 148, 149, 427 IPC and offences under Sections 307, 326, 325 IPC were added later on, on 24.02.2016. Petitioners were attributed *kirpan* blows on the

person of the complainant. Injuries No.4, 5, 6 and 7 were declared to be dangerous to life on 19.02.2016.

Learned counsel for the petitioners submits that in view of Section 320 (Eighthly) IPC, any hurt which endangers the life or causes the sufferer to be during the space of 20 days in severe bodily pain and unable to follow his pursuits would be a grievous hurt. Any grievous hurt with the aforesaid configuration would fall under Section 307 IPC only when opinion of the Doctor is taken to the effect that such injury is sufficient to cause death in ordinary course of nature. By referring to declaration dated 19.02.2016, learned counsel points out that no such independent opinion has been taken by the prosecution to show that the injuries No.4, 5, 6 and 7 would be sufficient to cause death in ordinary course of nature.

Learned State Counsel on instructions ASI Hans Raj submits that challan has already been presented and charges have not been framed so far. Petitioners were arrested on 24.05.2017.

Since, initial FIR was recorded for the offences under Sections 323, 324, 506, 148, 149, 427 IPC and subsequent enlargement in the culpability that too after more than 1 month would entitle the petitioners to claim regular bail.

At this stage, without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioners on regular bail subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 15, 2018	(RAJ MOHAN SINGH)
<i>Prince</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No