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

**CRM-M No.596 of 2018
Date of Decision: 16.01.2018**

NEERAJ KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Simsi Dhir Malhotra, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.162 dated 16.09.2017, registered under Sections 308, 325, 323, 34 IPC at Police Station Garshankar, District Hoshiarpur.

As per allegations in the FIR complainant Gurpreet Singh was given injuries by Raj Kumar @ Raja with a hammer on his abdomen. Petitioner gave a blow with iron die on left side of forehead and Ashok Kumar gave a pipe wrench blow on the right thigh and left knee of the complainant.

Learned counsel further submitted that as per medico

legal report, four injuries were found on the person of the complainant. Injury No.2 was a superficial laceration on the left temporal region of head of the complainant, which was declared to be simple in nature. Learned counsel further submitted that the injury on the stomach was found to be covered under Section 325/308 IPC.

Learned counsel further submitted that in terms of Section 320 IPC (Eightly) any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits would be grievous hurt. Any enhanced culpability in terms of opinion of the Doctor would be subject to the opinion in terms of sufficiency of injury to cause death in ordinary course of nature.

Learned State counsel on instructions from ASI Jasbir Singh submitted that the challan has already been presented and now the case is fixed before the trial Court on 30.01.2018 for the examination of prosecution witnesses.

The occurrence took place on 03.08.2017 at 2.00 p.m. and the FIR came to be registered on 16.09.2017. Earlier DDR was recorded under Section 323/34 IPC and the culpability was enhanced in terms of Section 325 IPC only after the statement of the injured on 16.09.2017. The offence under Section 308 IPC was added only after obtaining opinion of the Doctor on

28.09.2017, wherein injuries were declared to be dangerous to life.

At this state, since the petitioner is the author of simple injury, I deem it appropriate to enlarge him on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his 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 16, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No