

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

**CRM-M No.9450 of 2018
Date of Decision: 24.04.2018**

**NareshPetitioner
Vs
Staet of Union Territory, ChandigarhRespondent**

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

Present:Mr. Lalit Sharma, Advocate
for the petitioner.

Mr. Lalit Kumar Gupta, A.P.P, UT, Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.14 dated 14.01.2018 registered under Section 326 IPC at Police Station Sector 31, Chandigarh.

Learned counsel for the petitioner submitted that injury No.3 i.e. incised wound of size 4 cm X 3 cm subcutaneous deep was present over left side of abdomen, 8 cm from umbilicus. The said injury was declared to be grievous in nature, whereas injuries No.1 and 2 were declared to be simple in nature vide medical opinion dated 15.03.2018. Thereafter, further opinion was sought by the prosecution in respect of injury No.3, whether the same is dangerous to life or not. Doctor again gave his opinion that the injury No.3 is grievous in nature.

It appears that prosecution was not satisfied with the opinion given by the doctor. The district attorney opined that challan under Section 307 IPC be submitted as in his opinion offence under Section 307 IPC was made out. In this background, challan was submitted to the Court.

Learned State Counsel on instructions from HC Kadam submitted that keeping in view the allegations and nature of injury, intention is to be seen viz-a-viz the commission of offence under section 307 IPC.

At this stage, since challan has already been presented, petitioner is in judicial custody since 16.01.2018, the complicity of the petitioner to commit offence under Section 307 IPC with reference to his intention would be debatable at the time of trial and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds and 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.

April 24, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No