

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

**CRM-M-3841-2019
Date of decision: 04.02.2019**

Udaiveer

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Amit Parashar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition that has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 246 dated 01.07.2017, under Sections 148, 149, 323, 341, 427, 506 and 307 (added later on) of the IPC, registered at Police Station Chandut, District Palwal.

The first petition bearing CRM-M-15612-2018 was dismissed as withdrawn on 23.10.2018 as the petitioner has sought permission to file fresh petition after some medical evidence has come on record.

As per the allegations in the FIR, the petitioner is attributed an iron rod blow on the head of one Bimla and as per CT Scan report, she has suffered fracture of right temporal and parietal bones, which is proved by PW-3 Dr. Deepak Mangla, Consultant Radiologist, Mediscan Diagnostics, Palwal, vide Ex. PW3/B/.

Even as per statement of PW-4 Dr. Naveen, Medical Officer, General Hospital, Palwal, who has medico-legally examined the injured and was a member of the Board of Doctors, constituted by the SMO, has given an opinion Ex. PW4/A and as per the report, the opinion of the Board of Doctors reads as under:

“After going through the documents including MLR, Discharge slip and CT Scan of the head of patient Bimla, injuries sustained by the patient were found to be dangerous to life by the Board.”

Learned counsel for the petitioner has submitted that petitioner is in judicial custody for the last more than one year and six months and evidence of the prosecution is still going on and three of the co-accused have already been granted concession of regular bail, therefore, petitioner be also granted regular bail.

Learned State counsel, on instructions from ASI Ranvir Singh, has opposed the grant of bail to the petitioner on the ground that petitioner is attributed an injury on the head of said Bimla, which as per the opinion of Board of Doctors, was found to be dangerous to life and nature of the injuries are that she has suffered of right temporal and parietal bones.

I have heard learned counsel for the parties.

A perusal of the orders, granting bail to other co-accused, shows that they were not attributed an injury falling under section 307 IPC and co-accused Rajinder Singh and Surender Singh, who have been granted bail, are attributed injuries on non-vital part of the injured.

In view of the above, I find no ground to grant regular bail to

the petitioner considering the nature of the injuries sustained by the injured/victim, which is duly proved from the statement of aforesaid two doctors.

Dismissed.

February 04, 2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>