

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-26031 of 2019
Date of Decision: June 06, 2019

Sukhmander Singh @ Laddi

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off regular bail application under Section 439 Cr.P.C. moved in FIR No. 61 dated 21.06.2018 under Sections 324 and 323 read with Section 34 IPC (offence under Section 326 IPC added lateron), Police Station Ajitwal, District Moga

The complainant Pardeep Singh alleged that on 19.6.2018 during the evening time around 5.30 p.m., when he was going towards Dharamshala, accused Sukhmander Singh @ Laddi present petitioner armed with a kapa alongwith co-accused/non-applicant-Harwinder

Singh @ Nindi armed with stick, Raj @ Kaler armed with baseball bat and one unknown person who was unarmed assaulted the complainant on raising of lalkara by the petitioner. The allegations against the petitioner are that he is alleged to have given a kapa blow towards the complainant who to save himself raised his hands and the kapa blow hit the little finger of the left hand of the complainant followed by blunt weapon injuries by his co-accused. This injury has been opined to be grievous in nature on the basis of medical opinion.

Mr. Sukhmeet Singh, learned counsel for the petitioner inter alia contends that only a single injury is attributed to the petitioner and that too on non-vital part of the body and has sought to displace the medical opinion covering the injury to be under Section 326 IPC submitting that the petitioner is behind the bars since a long time.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab assisted by HC Daljeet Singh though does not displace the facts that have been canvassed by the learned counsel for the petitioner but has opposed the grant of bail on the ground of seriousness of allegations.

Appreciating the submissions of the two sides, the petitioner has been attributed a single injury and that too on non-vital part of the body. The medical opinion that has sought to be canvassed by the learned State counsel a debatable issue arises over its veracity and applicability of Section 326 IPC. The petitioner is behind the bars

for almost 2 months.

In the light of above and the fact that a debatable issue arises over the applicability of offence under Section 326 IPC, which could be determined at the trial and in view of the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

June 06, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No