

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

**CRM-M-35122-2019
Date of decision: 19.09.2019**

Mandeep Singh @ Bhuppi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Virk, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Varun Garg, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.137 dated 15.05.2019 under Sections 148, 149, 323, 324, 341, 506 IPC (Sections 307, 326, 325 IPC were added and Section 307 IPC was deleted later on), registered at Police Station Cheeka, District Kaithal.

The operative part of the order dated 28.08.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that with regard to the injuries sustained by Amarjeet Singh, initially there are two different MLRs; one from Columbia Asia Hospital, Patiala and another from Mahabir Dal Hospital, Cheeka and therefore, on an application given by the prosecution, the complainant was re-examined by the Board of Doctors of PGIMS, Rohtak and as per opinion given by the Board, injury No.1 was found to be grievous and kind of weapon could not be ascertained and

thereafter, Section 307 IPC was deleted. It is further submitted that as per CCTV footage, it is the complainant party, which is the aggressor.

Notice of motion for 19.09.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.08.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the petitioner further submits that during investigation, two co-accused namely Gurjit and Sonu were arrested and one Gandasi each was recovered from them and thereafter, Surender Singh was arrested and he made a statement that one of the Gandasi, which was recovered from the co-accused, was used by him for the commission of offence and, therefore, no recovery is to be effected from the petitioner.

Learned State counsel, on instructions from SI Jaswant Singh, assisted by learned counsel for the complainant, has not disputed the factual position.

Learned counsel for the complainant has additionally argued that the opinion of the board of doctors has come after the lapse of three months.

I have heard learned counsel for the parties.

In view of the fact that board of doctors was constituted on an application moved by the prosecution itself, it will be a subject matter of the trial whether the offence under Section 307 IPC is made out or not as the police, at this stage, has deleted the same.

Therefore, without commenting anything on the merits of the case, the present petition is allowed and the interim bail granted to the

petitioner, vide order dated 28.08.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

19.09.2019

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No