

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37141-2019

Date of decision: 18.11.2019

Surinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikram Chaudhari, Sr. Advocate with
Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Padamkant Dwivedi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.188 dated 25.12.2017 under Sections 307, 324, 323, 148, 149 IPC (Section 307 IPC was added later on 02.01.2018), registered at Police Station Kulgarhi, District Ferozepur.

On 05.11.2019, following order was passed: -

“During the course of arguments, learned Staet counsel has the MLR of injured Parminder Singh, S/o Jarnail Singh showing an incised wound of about 7 cm x 1 cm on the pariental area of scalp and another injury of curved incised would about 9 cm x 1 cm on the frontal and adjoining area of the scalp. The same Hospital has

stated that injury No.1 and 2 to be simple which is contested by the counsel for the complainant.

Accordingly, the Chief Medical Officer/Civil Surgeon, Ferozepur is directed to constitute a Board and give an independent opinion to this Court regarding the nature of injuries sustained by Parminder Singh after going through the report and examining him.

List again on 18.11.2019.”

In compliance of the aforesaid order, learned State counsel has placed on record copy of the MLR along with opinion of the Medical Board, in which the Board has opined as under: -

“Nature of injuries (Simple, Grievous, Dangerous or pending for observation)

After going through previous MLR X-rays and CT Scan report provided with police papers and after going through current examination nature of injuries are declared as simple for 1 and 2.

Probable Duration of Injury

Cannot be ascertained

Kind of Weapon Used (Sharp, Blunt, Firearm, Fire, Position etc.)

Cannot be commented.”

Learned senior counsel for the petitioner has argued that petitioner is in custody since 26.07.2019 and in view of opinion of the Board, it will be a debatable issue to be decided during the course of trial whether Section 307 IPC is made out or not. It is further submitted that some co-accused of the petitioner

have already been granted the concession of anticipatory bail by this Court; challan stands presented and investigation qua the petitioner is complete.

Learned State counsel, on instructions from ASI Baljinder Singh, has not disputed the factual position.

Learned counsel for the complainant has, however, submitted that the complainant side is having threat perception, though this fact is denied by learned senior counsel for the petitioner.

Without commenting anything on merits of the case, considering the aforesaid submissions made by learned counsel for the parties, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The complainant is directed to approach the Senior Superintendent of Police, Ferozepur, by moving a complaint regarding threat perception and the same will be dealt with, in accordance with law.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

18.11.2019

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No