

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

**CRM-M No.179 of 2020 of (O&M)
Date of Decision:- 21.01.2020**

Deepak

...Petitioner

Versus

State of Punjab

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. D.S. Sobti, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.272 dated 26.10.2019, registered under Sections 307, 186, 353, 332, 333, 189, 148 and 149 of IPC at Police Station Civil Lines, Amritsar.

As per allegations in the FIR, the petitioner is alleged to have inflicted 'datar' blow from its reverse side on the left elbow and muscle of left arm of the complainant. According to the prosecution, the aforesaid injuries have resulted in the offence under Section 307 of IPC.

At the time of dismissing the application for bail by the Additional Sessions Judge, Amritsar on 18.12.2019, MLR of the

injured was not on record and it was observed that the same has not been received by the Investigating Officer from the concerned quarter. Out of 5 accused persons, all have been granted bail except the petitioner.

According to MLR, now perused by this Court, the injury No.1 on the person of Ashok Kumar has been categorised as grievous injury as per X-ray report and Ortho opinion given by the doctor. Any hurt endangering life or which causes the sufferer to be during the space of twenty days in severe bodily pain, or unable to follow his ordinary pursuits would be grievous hurt and the same falls under Section 320 IPC (Eightly). There is no such opinion given by the Doctor that the injury in question is sufficient to cause death in ordinary course of nature. The issue would remain debatable on the basis of material collected by the police. The petitioner is in custody since 26.10.2019.

Learned State counsel on instructions from ASI Virsa Singh states that challan is ready to be presented in the Court.

At this stage, without meaning anything on the merits of the case, it would be just and appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate, Amritsar.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

21.01.2020

geeta

**(Raj Mohan Singh)
Judge**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No