

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

201

CRM-M No. 12785-2020

Date of decision:5.6.2020

Paramjeet Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.O.P.Kamboj, Advocate
for the petitioner.

Mr.Luvinder Sofat, AAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

This petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case bearing FIR No.27 dated
10.3.2020 registered under Sections 323, 324 and 307 IPC at
Police Station Khuian Sarwar District Fazilka.

Prosecution story started with the allegations that on
9.3.2020 at about 6.30 PM, when the complainant reached his
house after getting free from his work, he saw that there was no
electricity in his house. On being verified, it was found that
electric wire was cut near the house of the petitioner, which was
under construction. When the complainant along with his sons
inquired from the petitioner about the reason of cutting the
electric wire, then the petitioner and his brother started abusing
them. On hearing the noise, wife and daughter-in-law of the

complainant came out of the gate of their house and also reached there. Petitioner and his brother came on the roof of their house (under construction) and started abusing them. They started pelting brickbats on the complainant. Petitioner threw a brickbat on the head of the son of the complainant, which hit him on the upper side of his head. Brother of the petitioner, namely Satpal Singh @ Bhajju kept on throwing brickbats. Son of the complainant received grievous injury on his head. The injury on the person of the son of the complainant was found to be covered under mischief of Section 307 IPC.

As per the medico legal report of son of the complainant, one 3 cm incised wound was found over left parieto temporal region of the head. As per opinion of the doctor, the injury was found to be dangerous to life.

Learned counsel for the petitioner submitted that only one injury was found on the person of the injured. There was no repetition of any brick batting by the petitioner. The alleged brick batting by his brother did not hit any one. The alleged incident is of throwing of single brickbat on the person of son of the complainant hitting him on the head. The intention to cause death shall remain debatable. Though the complainant has lodged a cross case, but according to learned counsel for the

petitioner, it was only complaint of pain and swelling of right upper arm and complain of pain in abdomen of Manjit Kaur. Petitioner is in custody since 13.3.2020 i.e. the date on which he was produced before the Court.

Learned State counsel, on instructions from ASI Balbir Singh, has opposed the prayer on the ground that the injury is serious enough to infer offence under Section 307 IPC as the opinion of the doctor is categoric to that effect.

At this stage, without meaning anything on the merits of the case, it can be seen that it is a case of single injury without there being any repetition on behalf of the petitioner to cause death by such injury. The intention would remain debatable. Challan has not been presented so far and accused is in custody since 13.3.2020.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/ Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

June 05, 2020

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Whether reasoned/speaking

Yes/No

**(RAJ MOHAN SINGH)
JUDGE**