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

**CRM-M No.13050 of 2020(O&M)
Date of Decision: 03.07.2020**

Sardul Singh

.....Petitioner

Vs

State of Haryana

.....Respondent

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

Present:Mr. Rahul Rathore, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Punjab.

Mr. Manish Behl, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner is in second attempt to seek regular bail in case bearing FIR No.294 dated 25.08.2019 registered under Sections 148, 149, 307, 323, 325, 452, 506 IPC at Police Station Madhuban, District Karnal.

Earlier CRM-M No.1276 of 2020 was dismissed as withdrawn by this Court vide order dated 21.01.2020.

The prosecution story started with the allegations that the petitioner inflicted Kulhara blow on the head of the complainant Daler Singh as well as on the head of Pargat Singh and other persons also caused injuries to the complainant and others.

As per MLR of the complainant Daler Singh, three injuries were found on his person, which were declared to be simple in nature. As per MLR of Pargat Singh, 4 injuries were found on his person. Injuries No.1 and 2 have been shown as stitched wounds on parietal and occipital region. As per medical opinion, injury on the head is shown to be dangerous to life.

When this case was taken up on 27.05.2020, the factum of injuries No.1 and 2 on the person of Pargat Singh being stitched wounds was sought to be explained by the learned State counsel on the basis of record of injured prepared by CHC, Indri.

Learned State counsel has placed on record medical record showing fracture of left temporal bone to be dangerous to life. The factum of injuries No.1 and 2 being stitched wounds has not been brought on record, despite two more intervening adjournments by this Court on 04.06.2020 and 01.07.2020. Even record supplied on whatsapp group is not readable to a large extent.

Even if, the opinion of the doctor in respect of injury on the person of Pargat Singh is taken into consideration, it would be debatable in terms of Section 320 IPC (Eighthly) whether injury falls under the ambit of Section 307 IPC or not. It has been prescribed that any hurt which endangers 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. Any enhanced culpability in terms of opinion of the doctor would be subject to the opinion in terms of sufficiency of injury to cause death in ordinary course of nature. The opinion of doctor is silent whether the injury is sufficient to cause death in ordinary course of nature. In view of these facts, it would be debatable as to whether the injury on the person of Pargat Singh would fall under the ambit of Section 326 IPC or 307 IPC.

In view of prevailing circumstances arising out of pandemic Covid-19, learned counsel for the petitioner has prayed for grant of indulgence.

Per contra, learned State counsel duly assisted by learned counsel for the complainant contended that as per medical opinion based on the report of Neuro-surgeon, the injury is dangerous to life. After filing of the challan, the charges have been framed, but the trial has not started as yet. Petitioner

is in custody since 04.09.2019. Trial of the case has been stalled due to pandemic Covid-19 and the uncertainty looms large as on date.

In view of aforesaid circumstances and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

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

03.07.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No