

212

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.35994 of 2019
Date of Decision: 30.01.2020

KOMAL SINGH @ JOGA SINGH

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Anil Mehta, Advocate
for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.230 dated 07.05.2019, registered under Sections 326, 323, 324, 506 and 34 IPC at Police Station Pehowa Distt. Kurukshetra.

Petitioner is alleged to have inflicted *gandassa* blow on the forehead of the complainant. The said injury was found to be grievous in nature and offence under Section 326 IPC was added.

As per nomenclature of the injury, the same was a sharp edged wound elliptical in shape, starts from fourtel region

of skull, nature deep, bone deep fresh bleeding and advised x-ray skull. The injured was hospitalized on 05.05.2019 and was discharged on the next day i.e. 06.05.2019. The nature of injury was shown to be grievous in nature.

Learned counsel further submitted that in terms of Section 320 IPC (Eightly) 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. Since there is no such opinion given by the Doctor, therefore, the injury is having the configuration of grievous hurt only.

Learned counsel further submitted that petitioner is in custody since 08.05.2019 and the offence is triable by the Magistrate.

Learned State counsel on instructions from HC Mukesh Kumar submitted that challan has been presented and charges have been framed. No prosecution witness has been examined so far. The trial of the case may take some time in its culmination.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since

08.05.2019 can be enlarged on bail.

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

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

January 30, 2020	(RAJ MOHAN SINGH)
Atik	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No