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

**CRM-M No.55705 of 2019
Date of Decision: 25.02.2020**

Jaganjot Singh @ Jagandeep Singh
.....Petitioner

Vs
State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. B.B.S. Randhawa, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer made in this petition is for grant of anticipatory bail in case bearing FIR No.112 dated 27.10.2019 registered under Sections 326, 324, 323, 506 & 34 IPC at P.S. Dera Baba Nanak, Police District Batala, District Gurdaspur.

[2]. On 01.01.2020, following order was passed by this Court:-

“Learned counsel for the petitioner contends that the injury falling under Sections 326, IPC is attributed to the co-accused Navtej Singh, who gave a datar blow on the inner side of left wrist. Injury on the left forearm is attributed

to the petitioner and the same has been declared to be simple in nature.

Notice of motion for 25.02.2020.

In the meanwhile, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 15.01.2020 at 11.00 a.m. and in the event of his arrest, he shall be enlarged on ad interim bail, on his furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

[3]. The occurrence took place on 13.10.2019. As per Annexure P-2 issued by Examining Medical Officer of Punjab Health Systems Corporation, the injured was hospitalized on 13.10.2019 at 10.45 a.m. Three injuries were found on the person of the injured. Thereafter on that very day, the injured was referred to Guru Nanak Dev Medical College and Hospital, Amritsar. Instead of going to the said Hospital, the injured preferred to visit Amandeep Hospitals & Clinics, Model Town, G.T. Road, Amritsar, where injury proforma was prepared on 22.10.2019, showing the date of admission to be 02.09.2019 and date of discharge of the injured on 03.09.2019. This certificate appears to be forged. The date of admission is found to be prior to the date of occurrence. The Doctor of Amandeep Hospitals & Clinics gave opinion in respect of the injuries suffered by the injured, wherein injuries No.1 and 2 have been found to be grievous as per injury report of the said Hospital. On

the basis of aforesaid opinion given by the Doctor of Amandeep Hospitals & Clinics, the Doctor from Govt. Hospital has given opinion in respect of nature of injuries to be grievous in nature.

[4]. The duration of hospitalization of the injured has not come forth in the medical report prepared by the Examining Medical Officer of Punjab Health Systems Corporation. The time of admission and discharge have not been mentioned in the Certificate issued by the Amandeep Hospitals & Clinics nor the same has been mentioned in the police file. No investigation has been done on this pertinent aspect of the case.

[5]. It is not in dispute that the petitioner has joined the investigation on 15.01.2020. It would be debatable even in terms of Section 320 IPC (Eightly) wherein 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.

[6]. In the instant case the offence is under Section 326 IPC. It would be debatable as to whether injury No.1 falls under the mischief of Section 326 IPC.

[7]. In view of above, interim order dated 01.01.2020 is made absolute. However, the petitioner shall keep on joining the investigation as and when directed to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

[8]. Petition stands disposed of.

February 25, 2020

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No