

231

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

(Through video-conferencing)

CRM-M No.2238 of 2021

Date of Decision: 01.09.2021

CHETAN KUMAR @ DEEPU AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Navkiran Singh, Advocate
Mr. Ravi Malhotra, Advocate
Mr. Amit Dhawan, Advocate and
Mr. Amandeep Singh, Advocate
for the petitioners.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.322 dated 28.11.2020, registered under Sections 307, 323, 324, 353, 186, 148, 149 IPC at Police Station Division No.6, Jalandhar.

FIR was registered at the instance of Sukhpreet Singh, Head Constable in Punjab Police. The allegations are that Deepak Kumar @ Rattan gave a datar blow upon the complainant. The complainant sat down and the blow ultimately

hit in the middle of his head. Kala gave a *datar* blow on the left side of head of the complainant. Vishal @ Malesia gave a sword blow on the right thumb of the complainant. On seeing the assault upon the complainant, the companions of the complainant namely Prabhdeep Singh and Navjit Singh both constables in uniform came forward to save the complainant. Then Deepak Kumar, Vishal @ Malesia, Deepu @ Daani, Kala (who sit in the office of Shashi Sharma and Gobind Sharma) along with 8/10 more unknown persons came to assault the complainant. Prabhdeep Singh and Navjit Singh also received serious injuries. The injured were medico legally examined on 28.11.2020 at 12.30 P.M. i.e. after about 11 hours of the alleged occurrence.

As per status report filed by way of affidavit of Harinder Singh, PPS, Assistant Commissioner of Police, (Model Town) Jalandhar, following injuries were found on the person of Sukhpreet Singh:-

“Injury no.1: Incised wound 2.5 cm x 0.2 cm superficial present on the left side of head.

Injury no.2: 2cm linear, superficial incision present on the top right parietal region of head, just right to midline of head.

Injury no.3.: Incision 0.5 cm, linear, superficial incision present on the distal phalanx of thumb of right hand.

Injury no.1: An abrasion 3 cm x 2 cm present on the left side of neck.

All the aforesaid injuries were found to be simple in nature. The Injuries No.1 to 3 were caused with sharp edged weapon, whereas injury No.4 was blunt injury.

As per medico legal report of Constable Prabhdeep Singh, 3 injuries were found on his person and the injuries were found to be simple in nature. The injuries read as under:-

“Injury no.1: c/o pain right side of head.

Injury no.2: c/o pain in left hand

Injury no.3: c/o pain in left forearm”

Learned counsel for the petitioner(s) submit that offence under Section 307 IPC has been added simply because the injured are police officials. The injuries on the person of Sukhpreet Singh were superficial in nature and were rightly declared as simple injuries. Injuries on the person of Prabhdeep Singh were found in the nature of complain of pain in the head, left hand and left forearm. No medical opinion was given by the Doctor in respect of alleged injuries received by the aforesaid injured.

Learned State counsel however opposed the bail, but he could not make out anything over and above the status report submitted by the Assistant Commissioner of Police, wherein the injuries on the person of Sukhpreet Singh and

Prabhdeep Singh were found to be simple in nature. Petitioners are in custody since 27.11.2020. No PW has been examined so far.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioners on regular bail, without advertng to the merits of the case,

In view of above, petition is allowed. Petitioners are ordered to be released on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

September 01, 2021

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No