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

**CRM-M No.5200 of 2021
Date of Decision: 16.02.2021**

SHUBHAM

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

Present: Mr. Ashok Giri, Advocate
for the petitioner.

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

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.214 dated 14.12.2020, registered under Sections 323/324/326/341/506/34 IPC at Police Station Rupnagar, District Rupnagar.

FIR was registered on the statement of Shashi Kumar with the allegations that on 12.12.2020 in the evening, a quarrel took place between the complainant and Shoki Tiwari, Shubham (petitioner) and their friends, who were under the state of intoxication. The matter was resolved and the complainant went to his house. On 13.12.2020 at about 10.30 A.M., the

complainant was going to his friend Sukhdev Singh @ Kaka for some work. When he reached near Hari Temple Nuhon Colony, then Shoki Tiwari and his friends Shubham (petitioner) came on a motorcycle and stopped their motorcycle on the way and waylaid the complainant. Shoki Tiwari gave a sword blow towards the head of the complainant which was warded off by the complainant which ultimately landed on the hand. Petitioner gave a second blow on the left arm of the complainant. The left arm was broken and was cut in the middle. The occurrence was witnessed by Sukhdev Singh @ Kaka.

As per MLR of the injured, injury No.1 was found to be incised wound 1cm x 2cm on left Palm, Tendon Deep and was advised ortho opinion. As per opinion of the Doctor injury No.1 was found to be 5th Metacarpal open fracture and grievous in nature.

Learned counsel for the petitioner submitted that injury No.1 is attributed to Shoki and not the petitioner. Injury attributed to the petitioner is on the left arm of the complainant.

Learned counsel further submitted that the offence is triable by the Magistrate. Petitioner is in custody since 15.12.2020. Challan has been presented.

Learned State counsel disputes the factum of not

inflicting injury No.1 by the petitioner on instructions from ASI Pritam Singh.

In view of aforesaid factual position, it would remain debatable as to whether injury No.1 has been inflicted by the petitioner or co-accused Shoki Tiwari.

At this stage, without advertng to the merits of the case and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular 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/concerned Duty Magistrate.

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

February 16, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No