

CRM-M-18601-2021

Date of decision: 20.05.2021

Ravi Pehalwan @ Ravinderpal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Tarun Sharma, Advocate
for the petitioner.Mr. Jagmohan Singh Ghuman, DAG, Punjab
for the respondent-State.Mr. Karanjeet Singh Brar, Advocate
for the complainant.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The learned State counsel has placed on record short affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub Division, Ferozepur, District Ferozepur, along with copy of MLR, medical opinion and opinion of Board of Directors and the same is taken on record.

The petitioner/accused-Ravi Pehalwan @ Ravinderpal Singh has come up in this anticipatory bail petition under Section 438

Cr.P.C. for grant of pre-arrest bail in a case got registered by way of FIR No.105 dated 26.06.2020 under Sections 452, 324, 323, 148, 149 of the Indian Penal Code, subsequently, Section 326 of the Indian Penal Code and Sections 25 & 27 of the Arms Act, 1959 added, registered at Police Station Mamdot, District Ferozepur.

The present case was got registered by the complainant-Baljeet Singh, alleging that on 20.06.2020 around 1:00 PM, he along with Satinderpal Singh (injured), were present at their house, when accused/petitioner-Ravi Pehalwan @ Ravinderpal Singh armed with pistol, Kanwal Singh, Vicky (both armed with *kappas*), Nindu, Karaj Singh (both armed with baseball bats), Gurtej Singh armed with pistol and started assaulting the complainant's side. A shot from their pistol missed Satinderpal Singh, who, fell on the ground and, thereafter, it is alleged that the accused gave beatings. As per the MLR placed on the record, only 04 injuries are there on the person of the injured, out of whom, injury No.1 is an incised wound on left thigh, injury No.2 is superficial lacerated wound on lower half of left arm, whereas, injury No.3 is complaint of pain around left elbow, injury No.4 comprising of superficial reddish abrasion on Palmar side of left middle finger, out of these, injuries upon X-rays, injury No.1 on the left thigh, is opined to be grievous in nature.

Heard counsel of both the sides and perused the records.

Admittedly, as per the medical opinion dated 24.07.2020

(Annexure R-3) following observations have been shown:-

“Injury No.1 KUO for X-ray L thigh X-ray shows partial fracture of shaft of (L) femur. Hence injury No.1 as per board of doctors declared as 'Grievous in nature'.”

A bare perusal of the ocular version given by the complainant, it is shown to be injuries by all the accused without mentioning any specific injury which they have given upon the injured while he was lying on the ground.

It is fairly conceded by the learned State counsel that there is no injury as per the eye-witness by means of sharp edged weapon. More so, the Doctors opined on the basis of X-ray examination, have mentioned that it is apparently fracture of shaft of left femur and thereby, shown to be grievous in nature. As per the MLR, injury No.1 which corresponds to this injury, is an incised wound on left thigh on antero lateral aspect of upper half. There is no clear cut mention either as to the extent of cut nor there is any treatment record to substantiate the same.

Keeping in view that this injury is not specifically attributed to any of the accused and the allegations in the FIR are vague and ambiguous, being an injury on non-vital part of the body, this Court deems it expedient to allow the present petition.

In view of the above, the present petition stands allowed and the petitioner is directed to appear before the Investigating Officer within a period of 15 days, in which event he be admitted to bail to the satisfaction of the Investigating Officer.

The petitioner shall, however, appear as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

20.05.2021
Neha

(FATEH DEEP SINGH)
JUDGE

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