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

**CRM-M No.21540 of 2021
Date of Decision:30.06.2021**

MARDANA SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Parminder Singh, Advocate
for the petitioner.

Mr.Balbir Singh Sewak, Addl A.G. Punjab.

Mr. Yagsimant Attri, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.315 dated 20.09.2020, registered under Sections 307, 459, 324, 326 and 506 IPC at Police Station Sadar Dhuri, District Sangrur.

FIR was registered at the instance of Rajdeep yadav with the allegations that petitioner initially allured his wife. His wife has come back after being tired from the conduct of the

petitioner and thereafter, she started residing with the complainant. On 19.09.2020 complainant along with his family was having dinner. At about 10:30 PM petitioner came to the house by scaling the wall and knocked the door of Chobara of the complainant. When the complainant opened the door, the petitioner gave straight blow with iron daah on the head of the complainant in order to kill him. The blow landed on the head of the complainant. The second blow landed on the left shoulder of the complainant. During scuffle, petitioner has also received some injuries. Thereafter, petitioner fled away from the spot.

As per MLR injury No.1 was found to be grievous in nature. Injury No.2 was found to be simple. There is no medical opinion in respect of injury No.1 being dangerous to life. Precisely for this reason, this Court vide order dated 28.06.2021 asked the learned State counsel to respond to the query as to whether injury No.1 falls under the ambit of Section 307 IPC or the same is grievous in nature only.

Today, learned State counsel on instructions submits that injury No.1 is only grievous injury and the same does not fall under the ambit of Section 307 IPC as per opinion of the doctor. There are some debatable issues pleaded by the petitioner in the petition with regard to conduct of Mitha Singh Nambardar who is employer of the complainant. Mitha Singh

Nambardar is inimical towards the petitioner and he is of bad character. Earlier Meena Devi wife of Raj Kishore gave complaint against him with the allegations of demand of immoral favour and illicit relations by him for which Meena Devi refused. She was beaten up and thrown out of the house. Thereafter, Meena Devi came to the house of the petitioner and started working as domestic help. On 01.07.2020 at about 8:00 PM Mitha Singh along with the complainant, Rakesh Rishi Dev and Suresh Rishi Dev came to the house of the petitioner and started giving beatings to Meena Devi and tried to take her forcibly but they could not succeed due to intervention of the petitioner, Gurwinder Singh and Lakhvir Singh. Thereafter, Meena Devi lodged a complaint against Mitha Singh and others. On account of said incident Mitha Singh was keeping a grudge against the petitioner.

At this stage, since the factum of injury No.1 is found to be grievous in nature and the petitioner is in custody since 21.09.2020. Challan has been presented.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic and without adverting to the merits of the case, 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.

30.06.2021	(RAJ MOHAN SINGH)
<i>Amandeep</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No