

CRM-M-43496-2021

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

**CRM-M-43496-2021 (O & M)
Date of decision: 27.10.2021**

Kabal Singh

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Ashit Malik, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Rajender Singh Rana, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.53 dated 02.05.2021, registered at Police Station Jhansa, District Kurukshetra, under Sections 148, 149, 323, 324, 326 and 506 IPC (Section 307 IPC deleted on 10.09.2021).

Learned counsel for the petitioner contends that initially, the above-noted FIR was also registered under Section 307 IPC, but after the receipt of opinion of the Medical Board, the aforesaid section was deleted and instead thereof, Section 326 IPC has been added to the present case. The attribution to the petitioner is a *gandasi* blow on the head of Joga Singh, which attracts the offence under Section 326 IPC. The *gandasi* allegedly used in the offence, has been recovered from the petitioner. The petitioner has been in custody since 24.05.2021.

CRM-M-43496-2021

On the other hand, learned State counsel assisted by the learned counsel for the complainant, opposes the submissions made by the learned counsel for the petitioner and submits that injury on the head of Joga Singh has been attributed to the petitioner. However, it is not disputed that after taking the opinion from the Board of Doctors, the offence under Section 307 IPC has been converted into Section 326 IPC. The challan stands presented and the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The injury attributed to the petitioner attracts the offence under Section 326 IPC. The petitioner has been in custody since 24.05.2021. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

27.10.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No