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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-44330-2023
Date of decision : 20.11.2023

MOHD. SHAMSHAD @ SADDU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Imran Farooqi, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

KULDEEP TIWARI.J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 21 dated 06.02.2023, registered under Sections 307, 452, 323 and 325 IPC at Police Station City-II Malerkotla, District Malerkotla.
2. Learned counsel for the petitioner submits that the petitioner was arrested in the instant FIR(supra) dated 06.02.2023 and since then he is behind bars. He further submits that the challan has already been filed on 05.04.2023 and thereupon the charges were framed on 29.08.2023.
3. Though the allegations against the petitioner are that two injuries were caused to the complainant by an iron rod, out of which one was inflicted on back side of the head and the same was declared to be of grievous one.

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4. The Doctor has not opined that the injuries are dangerous to life so only the offence under Section 325 is attracted which is bailable in nature.

5. Upon advance notice Mr. Karunesh Kaushal, AAG, Punjab, and place on record reply by way of affidavit of Mr. Kuldeep Singh, PPS, Deputy Superintendent of Police, sub Division Malerkotla, District Malerkotla has been filed on behalf of respondent-State, which is taken on record. The reply(supra) give the descriptions of the injuries suffered by injured complainant which reads as under:-

“That in the MLR No.SSM/11/2023 dated 05.02.2023 of injured Abdul Shakoor @ Mohd. Sakoor, two (02) injuries were reported as blunt, i.e. injury No.1 as lacerated wound measuring 10CM x 1.5CM over the occipital region of head wound is 16CM from left ear fresh bleeding present, Advised for NCCT and surgical opinion, injury No.2 as multiple abrasion over the right knee joint and right thigh, advised for X-ray, were reported. On the basis of said statement of Abdul Shakoor @ Mohd. Sakoor and said MLR, having found offence under section 307/452 IPC. Thus, Investigation Officer by sending the said statement to the Police Station, got registered the present FIR No.21 dated 06.02.2023 under sections 307/452 IPC, Police Station, City-2, Malerkotla against the petitioner Mohd. Shamshad @ Saddu “

6. He further submits that the reply reveals that the doctor has given opinion that injuries No.1 which is stated to be head injuries was only declared to

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be grievous in nature. There is no medical opinion which suggest that the injuries suffered by the complainant injured is dangerous to life.

7. Considering the factum that the petitioner has already faced incarceration for about 10 months and trial is yet at initial stage as well as the fact that the injured/complainant has already recovered from his injuries and that the petitioner is stated to be not involved in any other criminal case, therefore, this Court deems it fit to grant regular bail.

8. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

9. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(KULDEEP TIWARI)
JUDGE

20.11.2023
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Whether speaking/reasoned ? Yes/No
Whether Reportable ? Yes/No