

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

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**CRM-M No.46451 of 2017
Date of Decision: 21.2.2018**

RANA RANJIT SINGH @ RANJIT RANA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

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

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

Mr.R.S.Thind, D.A.G.Punjab.

Mr.R.K.Kapila, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No. 4 dated 12.1.2016 registered at Police Station Haryana District Hoshiarpur under Sections 302/34 IPC, later on converted into Section 304 IPC and Section 3 and 4 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

Prosecution story started with the allegations that on 10.1.2016, complainant Gurpreet Singh, son of Balwant Singh, along with his mother, sister Mandeep Kaur and friend Varinder

Singh went to the house of his other sister, namely, Amandeep

Kaur to give gifts of Lohri festival in the car of his friend. While returning at about 7.30 PM, complainant saw Activa of his father parked in front of the shop of the petitioner. He stopped his car and entered the shop and saw that the petitioner and his brother Dharminder @ Pinda were arguing with his father. On enquiry, his father told him that on 9.1.2016, he had paid money to the accused for recharge of mobile but till date needful was not done. The accused started arguing with the complainant as well. In front of the complainant, Dharminder @ Pinda caught hold of head of his father and struck the same against a table, due to which, turban of his father fell down. Thereafter, he was pushed out from the shop. Petitioner brought a baseball bat and inflicted length wise blow, which gave injury on the left temporal region of the father of the complainant. Father of the complainant fell down and thereafter, Dharminder gave a *danda* blow on his left bicep. Petitioner also inflicted baseball bat blow on the left elbow of his father. Complainant started taking care of his father and accused ran away from the spot.

Learned counsel for the petitioner submitted that in fact at the first instance, in the inquiry conducted by the police, the occurrence was found to be of accident as the deceased was hit by a vehicle. Thereafter, another inquiry was conducted in which it was disclosed that the deceased had an altercation with the petitioner on account of recharge of some mobile and

the deceased during altercation received injury on his head being hit against a table and due to slap given by the petitioner, he fell down on the road.

Learned counsel for the petitioner, by referring to the statement of Rakesh Kumar, which has been made part of the challan by the police, contended that the petitioner along with his brother, after the occurrence, brought the then injured to the clinic of Saini Medical Store, where the injured was treated by Rakesh Kumar. Rakesh Kumar has specifically deposed that the then injured was brought by the petitioner and his brother Dharminder, sons of Ram Nam. Injured was referred to Civil Hospital. Learned counsel further stated that the presence of complainant was not shown at the initial stage. He only came after providing the first aid by Rakesh Kumar to the then injured, who was brought to the clinic by the petitioner and his brother.

The alleged occurrence took place on 10.1.2016 and the FIR came to be registered on 12.1.2016. Learned counsel for the petitioner, by referring to aforesaid fact, submitted that the issue of presence of the complainant at the spot is highly debatable. Co-accused Dharminder Singh was found to be innocent by the police in the investigation conducted by SIT.

Learned State counsel, who is assisted by learned counsel for the complainant, however, opposed the bail by arguing that it was not a case of accident as the Activa was

found to be intact. No accidental injuries were found on the person of Balwant Singh. Challan has already been presented, but charges have not been framed.

Having heard learned counsel for the parties, I prima facie found that in respect of occurrence dated 10.1.2016, the FIR was registered only on 12.1.2016 by the son of the deceased, who claimed himself to be eye witness to the occurrence. His presence was not shown by Rakesh Kumar at the first instance, while providing first aid to the then injured Balwant Singh, who was brought to the clinic by the petitioner and his brother. The investigation conducted in phases would be tested by the trial Court at the relevant time.

At this stage, keeping in view the fact that the charge has not been framed and the petitioner is in custody for the last more than eight months, I deem it appropriate to grant concession of regular bail to the petitioner. Consequently, this petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

February 21, 2018

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**(RAJ MOHAN SINGH)
JUDGE****Whether reasoned/Speaking****Yes/No**