

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

Criminal Misc. No.M-28792 of 2019(O&M)

Date of Decision: December 02, 2019

Ranjit Singh @ Neeta

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Supriya Garg, Advocate for the petitioner.

Ms.Monika Jalota, DAG, Punjab
for the respondent – State.

Mr.Avtar Singh Khinda, Advocate
for the complainant.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in complaint case CIS No.14 CNR No.PBKP01-002320-2019 dated 19.02.2018 titled 'Joginder Singh vs. Ranjit Singh and others' under Section 307/34 of the Indian Penal Code, pending before the Trial court at Sultanpur Lodhi, District Kapurthala.

The petitioner has been summoned to face trial vide order dated 11.04.2019 (Annexure P-2).

The complaint has been filed by Joginder Singh with the allegations that on 18.02.2019 he along with his nephew Ninder Singh and Jobanpreet Singh s/o Ninder Singh had gone to the house of Ranjit Singh @ Neeta, (petitioner) to ask him to return Rs.25 lacs which were outstanding against him. He was not present at home. The wife of the petitioner informed that he had gone to the fields. The complainant and others accompanying him went to the field of the

petitioner where Ravinder Singh, Puran Singh and son of the petitioner were also present. When Ninder Singh asked the petitioner to return the money, the petitioner and his companions got enraged and entered into a scuffle with Ninder Singh and his companions. The complainant intervened to separate them. Ranjit Singh @ Neeta (petitioner) brought a *kirpan* from his tube-well. Ravinder Singh raised *Lalkara* that Ninder Singh and his associates be taught a lesson for asking for money. The petitioner gave a *kirpan* blow on the head of Ninder Singh, because of which he fell down. When Jobanpreet Singh came forward to save his father, Ravinder Singh gave a stick blow which hit him at his back. The complainant and his companions were even prevented from picking up Ninder Singh. They had to run away from the spot. Jobanpreet Singh got his maternal uncle and others at the spot. They arranged a conveyance and took Ninder Singh to Civil Hospital, Sultanpur Lodhi, from where he was referred to Civil Hospital, Jalandhar.

FIR No.30 dated 20.02.2017 under Sections 323, 324, 307 read with Section 34 IPC was registered against the petitioner and other accused, but later it was changed to offence under Section 308 IPC because of which Joginder Singh filed the instant complaint. He examined CW1 Dr.PS Rana, Medical Officer at Chhabra Neuro-Care Hospital, Jalandhar, who on the basis of CT Scan opined that there was large depressed fracture and multiple small hemorrhagic contusion. CW2 Dr.Deepak Chander deposed that Ninder Singh had sustained injury with a sharp-edged weapon. After receipt of CT Scan report, the injury sustained by Ninder Singh was declared 'dangerous to life'. Based on the aforesaid and the oral evidence of the complainant, the petitioner has been summoned by the Trial Court.

Ld. counsel for the petitioner has argued that the allegations against him are totally false. On the basis of the statement made by Ravinder Singh,

brother of the petitioner a cross-case had been registered against the complainant and his companions. An SIT had been constituted on the directions of the Senior Superintendent of Police, Kapurthala. Both parties were called by the SIT and after considering the facts the petitioner and his family members were found to be innocent. It was concluded that the complainant party was the aggressor. Rachpal Singh, a member of the complainant party attacked Ravinder Singh with a wooden plank which hit him on his head. Rachhpal Singh again tried to attack Ravinder Singh with the wooden plank, but he ducked and the wooden plank hit rear portion of the head of Ninder Singh.

Ld. counsel argued that the SIT report clearly reveals that six injuries were suffered by the members of the petitioner side, whereas, only two injuries were suffered by the complainant party. In the complaint there is no explanation of the injuries suffered on the side of the petitioner. He stated that the petitioner is ready and willing to surrender and face trial.

Considering the facts and circumstances of the case, the petition is allowed.

The petitioner may appear before the Trial Court on or before 16.12.2019. On his doing so, he shall be released on bail by the Trial court to its satisfaction. The petitioner will also file an undertaking before the Trial Court to appear on each and every date of hearing.

December 02, 2019

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(HARINDER SINGH SIDHU)
JUDGE

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No