

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

CRM-M-22679-2021

DECIDED ON: 26th August, 2021

Manjit Singh @ Ghoghar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Vinay Kumar, Advocate for petitioner.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.292 dated 24.11.2020, under Sections 308, 323 read with Section 34 IPC, 1860 (Section 307 added lateron) registered at Police Station Majitha, District Amritsar.

Brief facts are that petitioner Manjit Singh @ Ghoghar is running a saw mill adjacent to the shop of the complainant. Father of the complainant (hereinafter referred to as 'injured') came to shop and objected to putting of garbage in front of his shop, Amandeep Singh and Arjandeep Singh started abusing him. A lalkara was raised by wife of petitioner, the petitioner threw the injured on the ground and gave iron rod blow on the head resultantly injured got unconscious. When the complainant came forward to save his father, he was given iron rod blow by the co-accused and another blow of iron rod was

given by the petitioner on the left shoulder of the injured. As per the MLR there are six blunt weapon injuries suffered by the injured. The Doctor opined that nature of injury was dangerous to life. The injured remained on ventilator support for a long period due to head injury.

Learned counsel for the petitioner submits that the petitioner is in custody since 17.12.2020. Section 307 IPC was added even prior to opinion of the Doctor. The petitioner suffered injuries but no DDR was recorded by the police. Section 308 IPC was deleted and Section 307 IPC was added. The fight is between the two real brothers. He argues that there was delay in taking the injured to hospital.

Learned State counsel relying upon the pleadings of the reply filed opposes the prayer for grant of bail. Learned State counsel argues that no Neuro Doctor was available in Government Hospital hence, petitioner was taken to another hospital.

The contention raised by learned counsel for the petitioner does not enhance the case for grant of bail. It is not disputed that the injured sustained head injury and remained on ventilator for a long period. There is an opinion of the Doctor on record declaring the injury dangerous to life. Deletion of Section 308 IPC is an indicator to impartial investigation by the police. The complainant is to be examined, considering that the petitioner and complainant are relative and having adjacent business premises, on petitioner being enlarged on bail, there is every chance of witnesses being influenced.

Dismissed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

26th August, 2021
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>