

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-20555-2022

Date of Decision:-15.07.2022

Ranjeet Singh.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh Rai, Advocate for the Petitioner.

Mr. Vikrant Pamboo, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition is for the grant of regular bail under Section 439 Cr.PC in case FIR No.355 dated 12.08.2018 under Sections 302, 307, 34 IPC (Section 302 IPC later on added) and Sections 25, 54, 59 of Arms Act registered with Police Station City Tohana, District Fatehabad.

The brief facts of the case are that FIR No.353 dated 12.08.2018 under Sections 148, 149, 323, 452, 427 and 506 IPC P.S. Tohana, District Fatehabad came to be registered at the instance of Rekha wife of Ranjit with the allegations that she was married to Ranjeet Singh (present petitioner) son of Ruldu Ram. Her younger sister Suman is said to have been married to Vijay son of Bichha Ram and was living in a village Chandad Khurd. On 10.08.2018, Suman came to her house and stated that Vijay had told her that he had illicit relations with her (Rekha-complainant).

This fact was narrated by the complainant to her mother Kaushalya who

made a phone call to the deceased to reprimand him. On this, the deceased got infuriated and on 12.08.2018 he along with his brother Santosh and four other persons armed with sticks came in the house of the complainant. Santosh struck her on the elbow and Vijay caused an injury on her head. They started assaulting her husband Ranjeet Singh and Vijay gave a stick blow on the head of Ranjeet Singh while all others vandalised the house. On this Ranjeet Singh, her husband got infuriated and using a sword lying in the temple of their house gave a blow on the head of Vijay who fell down in the street. The other accused ran away from the spot.

Thereafter a cross version to the aforementioned FIR i.e. FIR No.355 dated 12.08.2018 was got registered by Santosh Rani wife of Vijay Kumar (deceased) who stated that she was married to Vijay and had two sons Ravi and Rahul. She stated that she had been informed by her son Ravi that her husband had been injured on that day. She along with her son Ravi reached Civil Hospital, Tohana to find out the medical condition of her husband where she met her brothers-in-law Partap and Sultan, who informed her that Rekha and her husband Ranjeet Singh (petitioner) with an intention to kill her husband had given a direct blow of the sword on the head of her husband. She stated that her husband had illicit relations with Suman, the sister of Rekha but she did not know as to why Rekha and her husband Vijay had quarreled.

The Counsel for the petitioner submits that in fact the deceased was having illicit relations with Suman and her sister Rekha, wife of the present petitioner. When on 10.08.2018 Suman disclosed to Rekha that the deceased had stated to her that he had spent night with her sister i.e. Rekha, Vijay along with his brother Santosh and others entered the house of Rekha

and caused injuries to Rekha and her husband Ranjeet. It was during that occurrence on account of self defence that the petitioner Ranjit caused the fatal blow on the head of Vijay. In fact the petitioner himself had received as many as 06 injuries which is borne out from the MLR Annexure P-3. It is, therefore, firstly contended that in terms of Section 99 IPC and 100 IPC the petitioner acted in the defence of his body and he apprehended that grievous hurt would be caused to him/his wife on account of the attack by Vijay deceased and his co-accused and, therefore, the petitioner cannot be said to have committed any offence whatsoever. He further contends that complainant is not an eye witness to the occurrence which is based on the information provided by Sultan Singh and Partap and, therefore, her statement is inadmissible being hearsay evidence. It is also contended that only 05 out of 23 cited witnesses have been examined so far and in the FIR got registered by his wife Rekha (FIR No.353), till date no prosecution witness has been examined. He further contends that since he has been in custody since 21.08.2018 and does not have any prior criminal antecedents, he deserves the concession of bail.

The Counsel for the State on the other hand submits that the petitioner is the main accused. He caused the fatal injury on the person of the deceased and, therefore, did not deserve the concession of bail. He however, did not dispute the fact that initially FIR No.353 had been registered at the instance of his wife Rekha, in which the allegations were that Vijay deceased and his co-accused had entered the house of the petitioner causing injuries to him and his wife and it was in that occurrence that the petitioner had caused injuries to Vijay. He also fairly conceded that the petitioner is in custody since 21.08.2018 and only five prosecution

witnesses have been examined out of cited 23 witnesses and trial is not likely to be concluded in near future.

I have heard rival contentions of both the parties.

Admittedly, the occurrence has taken place on the spur of the moment and an FIR already stands registered at the instance of the petitioner's wife against the deceased etc. It would be matter of adjudication during the trial as to whether the petitioner acted in the exercise of his self defence or not. Be that as it may, the petitioner is in custody for the last almost 03 years and 11 months and only 05 prosecution witnesses out of 23 have been examined. Thus the trial of the present FIR is not likely to be concluded in future.

In view of the above, without commenting upon the merits of the case, but keeping in view the fact that the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner **Ranjeet Singh** son of Sh. Ruldu Ram is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate concerned.

It is further made clear that if petitioner indulges in similar offence for which he is currently charged, the State would be at liberty to move an application for cancellation of bail.

Nothing observed herein shall be taken as an expression of opinion on the merits of the case.

(JASJIT SINGH BEDI)
JUDGE

July 15, 2022

Vinay

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No