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

CRM-M-41150-2022 (O&M)
Date of decision : 06.12.2023

MANJIT SINGH @ GHOGHAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. C.S. Singh, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.292 dated 24.11.2020 registered for the offences punishable under Sections 308/323/34 of IPC, Section 307 IPC added later on, at Police Station Majitha, District Amritsar Rural.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. FIR was registered on the statement made by Inderjit Singh who alleged as under :

“xxx I am resident of above said address. Me and my father

Kultar Singh son of Sawinder Singh are running a shop of Plywood Mirror for the last about 22 years. We are two brother and sister. I am elder and my younger sister is Simarpreet Kaur. On 20.11.2020 as a routine at about 9:00 AM. I had opened my shop and was doing cleaning and near our shop Manjit Singh alias Ghoghar son of Sawinder Singh resident of Ward No.13, Majitha is running business of Saw Mill (Wood Cutting). Manjit Singh Ghoghar while cleaning his shop had dragged the entire garbage in front of our shop and in the meantime, my father Kultar Singh also came at the shop. We inquired from Manjit Singh Ghoghar as to why he has dragged garbage in front of our shop. Upon this, Manjit Singh alongwith sons Amandeep Singh and Arjandeep Singh came there and started abusing me and my father. In the meantime, Kulwinder Kaur wife of Manjit Singh raised a lalkara that they should not go scot free today. They shall be taught lesson for taking up issue every day. On raising this Lalkara, Manjit Singh and his sons took out iron rod from their saw mill (Wooden Arra) and attacked upon us. Manjit Singh pushed my father and he fell on the ground while he was laying fallen down he attacked with his iron rod on my father with an intention to kill and as a result of which blood starting coming due to said injury from the head of my running business of Saw Mill (Wood Cutting). Manjit Singh Ghoghar while cleaning his shop had dragged the entire garbage in front of our shop and in the meantime, my father Kultar Singh also came at the shop. We inquired from Manjit Singh Ghoghar as to why he has dragged garbage in front of our shop. Upon this, Manjit Singh alongwith sons Amandeep Singh and Arjandeep Singh came there and started abusing me and my father. In the meantime, Kulwinder Kaur wife of Manjit Singh raised a lalkara that they should not go scot free today. They shall be taught lesson for taking up issue every day. On raising this Lalkara, Manjit Singh and his sons took out iron rod from their saw mill (Wooden Arra) and attacked upon us. Manjit Singh pushed my father and he fell on the

ground while he was laying fallen down he attacked with his iron rod on my father with an intention to kill and as a result of which blood starting coming due to said injury from the head of my father and he became unconscious. I came forward to save my father then Amandeep Singh attacked with his iron rod upon me and in order to save me, I raised my left arm and the iron rod struck on my left bicep (Dola). He also gave another blow which struck on the left side of my chest. I raised a lalkara of Mar Ditta Mar Ditta. Thereafter, Arjandeep Singh aforesaid attacked with his iron rod upon me with an intention to kill, which struck on my head and I fell on the ground. Thereafter, all the assailants gave kick blows which struck on my nose, left side of my neck and knees. Upon raising a lalkara of fight Manjit Singh attacked with his iron rod on my father on his left shoulder who was already bleeding with blood. Thereafter, the assailants ran away from the spot along with their respective weapons. This fight was eye-witnessed by me, my mother Rakhwinder Kaur and uncle Jagtar Singh @ Happy son of Sawinder Singh who is our neighbour. Since my father had suffered more injuries in the head and he felt unconscious due to profusion of blood, I and Gurpreet Singh @ Pintu son of Balbir Singh resident of Ward No.13, Majitha arranged for vehicle and for the purpose of treatment, we took him to Guru Nanak Dev Hospital where Doctor made an entry in the emergency register bearing No. CR No. 94255 dated 20.11.2020 time 10:38 AM and told that the injury is serious in his head as he is unconscious, therefore, you should take him to private Hospital for the treatment. Without any delay we took my father to Amandeep Hospital, Amritsar where my father is undergoing treatment in the ICU Unit. Since the injury in his head was serious and he did not gain consciousness, I could not undergo treatment of my own injuries as I wanted to save the life of my father first. Today, I have got conducted my MLR No. 55/PKW/CH/Majitha dated 24.11.2020 which is being just presented to your goodseif. The cause of the

occurrence is that the family of Manjit Singh have been fighting with us for long time due to minor issues and on various occasions the respectable and relatives had intervened and got the compromised effected. We are having litigation with aforesaid and nursing Manjit Singh grievance, the aforesaid assailants have caused serious injuries to me and my father and caused atrocities upon us. Legal action may be taken against them. I may be imparted justice. Sd/-xxx "

4. Counel for the petitioner submits that the petitioner is behind bars for more than 2 years, 11 months and 15 days. Charges were framed on 17.09.2021. Thereafter despite having been served complainant Inderjit Singh and Kultar Singh have been evading appearance in order to delay the trial and prolong the custody of the petitioner. Reliance is being placed upon the *zimini* orders passed by the Trial Court dated 09.02.2022, 16.03.2022, 23.11.2022, 09.02.2023, 29.05.2023, 10.07.2023, 27.09.2023. Counsel submits that even on 06.11.2023 the aforesaid witnesses did not come present.

5. Mr. Aggarwal is not in position to dispute the aforesaid factual assertions which are borne out from the record.

6. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the conduct of the complainant and the victim, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. Needless to say that anything observed hereinabove shall not
be construed to be an expression of opinion on the merits of the case.

December 06, 2023	(Pankaj Jain)
Dpr	Judge

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