

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

229

CRM-M-11032 of 2024

Date of Decision:19.03.2024

Ranjit Singh

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab

PANKAJ JAIN, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.396 dated 21.12.2022, registered under Sections 307, 328, 458 and 323 of the IPC, at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

2. FIR was registered on the statement made by Rajni Bala wife of Harpal Kumar who alleged as under:-

“Statement of “Rajni Bala wife of Harpal Kumar resident of Navi Abadi, Umarpura aged about 36 years, Phone No. 99881-28723. Stated that I am resident of above-mentioned address and a housewife. My husband Harpal Kumar is doing shuttering work in Delhi. I have two children. My elder son is harsh Kumar aged about 12 years and younger son is Purab Bhagat aged about 06 years. My 20.12.2022, as per routine, after having dinner alongwith my children, I went to sleep in my room. My father-in-law Darshan Kumar son of Gian Chand and my

mother-in-law Puro Rani wife of Darshan Kumar were in the adjoining room while my brother-in-law Jaswinder Kumar went to sleep in the lower building alongwith his children. That around 2:00 am, on 21.12.2022, there was a knock at my door, which woke me up. I switched on the light and saw that our neighbour living in front of our house namely Ranjit Singh son of Hardev Singh resident of New Abadi, Umarpura, Batala who was carrying one knife in his hand, made me to consume something intoxicating substance as a result of which, I became unconscious. Later when I regain consciousness, I came to know that about named Ranjit Singh @ Vicky with an intention to kill my son Purab Bhagat lifted him and inflicted knife blow on his neck and then threw him on the roof of Mandeep Kumar son of Gulzari Lal from backside of roof. That on hearing cries of my son, Mandeep Kumar son of Gulzari Lal resident of Navi Abadi, Umarpura brought him back to my house. After arranging for a conveyance, my brother Jaswinder Kumar got him admitted in Government Hospital, Batala, where the doctor treated my son Puram and also issued an MLR. He is presently under treatment. Cause of dispute is that earlier also my family had got registered FIR against Ranjit Singh @ Vicky with regard to quarrel and fighting at P.S. Civil Lines and carrying the said grudge Ranjit Singh @ Vicky made me to inhale something intoxicant because of which I fell unconscious and thereafter, he with an intention to kill my son, cut his throat with a knife and threw him down from the roof. Legal action may be taken against him. I am the complainant.”

3. Learned counsel for the petitioner submits that it is a case of false implication and the actual story is with respect to illicit relations between the complainant as well as the accused. The petitioner has no criminal antecedents. He is behind bars for more than 1 year, 2 months and 27

days. All the material witnesses including the complainant stand examined. He further submits that Mandeep Kumar son of Gulzari Lal who is the only independent witness stands examined and a cat has come out of bag in his cross-examination which reads as under:-

“On the intervening night of 21.12.2022 and 22.12.2022 I was present in my house. I had gone to the roof of my house at about 02:30 AM. The street leading to my house is different from the street in which the house of Rajni Bala is situated. It took about 10/15 minutes while picking up the child and taking him to the house of Rajni Bala. At that time Rajni Bala was unconscious. Rajni Bala was taken to Civil Hospital Batala by the family members. I had also accompanied them. Rajni Bala was given treatment in the hospital. She was given treatment meant for consumption intoxicant/ poisonous substance. Rajni Bala had remained in the hospital for about 2/3 days. Police had met me in the hospital. Police had recorded my statement there and then. My statement was recorded on 21.12.2022 at about 2/2:30 PM. I had taken the police to the spot. Four/five police officials had visited the spot on 21.12.2022 at about 10:00 AM. Police had obtained my signature at the spot. It is wrong to suggest that police had obtained my signatures on blank papers. After 21.12.2022 I never met the police in connection with this case. It is correct that there was talk of town as to illicit relations of accused and Rajni Bala. It is correct that due to illicit relations of accused and Rajni Bala, some quarrel had taken place previously in between both the parties. It is correct that the in-laws family of Rajni Bala had been exerting pressure upon Rajni Bala to get lodged FIR against accused. The in-laws family of Rajni Bala had also been persuading her to mend her ways. Even on 21.12.2022 the in-laws family of Rajni Bala had scolded Rajni Bala to stop having intimacy with accused. It is

wrong to suggest that under the pressure of in-laws Rajni Bala had consumed some intoxicating/poisonous substance with intention to commit suicide and also tried to kill her son. It is correct that accused Ranjit Singh had uploaded few photographs of mine on some media and social media and quarrel had taken place in between accused and me. Even we had a scuffled once in 2020. Matter was reported to the village Panchayat. Accused was kept in police lockup for 2/3 days. Even thereafter accused and I am not having cordial relations with each other. It is wrong to suggest that due to the above said enmity. I have deposed falsely against accused.”

4. Learned State counsel does not dispute the aforesaid facts.
5. Keeping in view the peculiar facts and circumstances of the present case, this Court is of the view that the petitioner deserves the concession of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.
6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.
7. Pending applications, if any, also stand disposed of.

(PANKAN JAIN)
JUDGE

March 19, 2024

dinesh	Whether speaking	:	Yes
	Whether reportable	:	No