



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

CRM-M-13051-2024

Date of Decision: 30.07.2024

Gurjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Kunwar Ranjan, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

Ms. Amandeep Kaur, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail in case FIR No.85 dated 27.05.2021 registered under Section 34 of IPC (offence under Sections 148, 149 of IPC deleted vide rapat No.34 dated 17.08.2021) at Police Station Kotbhai.

2. The FIR in the present case was registered on the basis of the statement made by Chhinder Kaur wife of Chhinda Singh and the same has been reproduced below:-

“Statement of Chhinder Kaur wife of Chhinda Singh son of Maan Singh resident of Village Kothe Amangarh, Mallan aged about 55 years mob: 9892251544. Stated that I am the resident of above stated address and am a house wife. I have two sons-elder is Charanjit Singh and younger is Amarjit Singh. We have 1 ¼ acres



of land in which we have constructed our residential house on one side. In front of our house, adjoining our land, the house of my brother-in-law Tehal Singh is situated and we have a common vat with the land of Surjit Singh son of Mukhtiar Singh. About 7/8 days ago, Surjit Singh had fixed pillars along our common vat by his own without any demarcation and told us that upto these marks the land belong to him. But We told Surjit Singh that both houses should get official demarcation done by bearing the expenses jointly. But Surjit Singh did not agree with this. Today at about 7 am, Surjit Singh son of Mukhtiar Singh, Gurjit Singh son of Mukhtiar Singh, Sandeep Singh son of Surjit Singh, Gurpreet Singh son of Suba Singh, Jeeta Singh son of Dayal Singh, Mukhtiar Singh son of Santa Singh residents of Kothe Aman Garh Mallan came to fields on their Messi Tractor having 'Karahia on the rear side. Surjit Singh etc were also having spades. Surjit Singh raised lalkara that today they will dismantle the Vatt and will make new Vatt, where the pillars are fixed and they started dismantling the vat with spades. My husband Chhinda Singh went there to stop them and I was also following him. My brother-in-law Tehal Singh was working in the adjoining field. When my husband stopped Surjit Singh etc from dismantling the Vatt, Surjit Singh put down his spade (kahi) on the side. He caught the collar of my husband. His other companions namey Gurjit Singh son of Mukhtiar Singh, Sandeep Singh son of Surjit Singh, Gurpreet Singh son of Suba Singh, Jeeta Singh son of Dayal Singh, Mukhtiar Singh son of Santa Singh also started manhandling him and within my sight. Surjit Singh gave push with both hands on the chest of my husband and he fell down on the ground. While he was lying down, these above mentioned persons gave invisible injuries (gunjiyan sattan) to him due to which he died at the spot. I and my brother-in-law had witnessed this entire incident. When we raised hue and cry, the above mentioned Surjit Singh etc went away from the spot with their spades on their tractor. After leaving my



brother-in-law near the dead body, I along with my son Amarjit Singh, Kalu were going to police station to give information that you met us at Bus Stand, Dhulkot. Legal action be taken against Surjit Singh son of Mukhtiar Singh, Gurjit Singh son of Mukhtiar Singh, Sandeep Singh son of Surjit Singh, Gurpreet Singh son of Suba Singh, Jeeta Singh son of Dayal Singh, Mukhtiar Singh son of Santa Singh residents of Kothe Amangarh Mallan. The cause of grudge is that they were making at in our fields without any demarcation and we were stopping them. Due to this grudge only, they in connivance with each other have done this act. I have got recorded my statement to you, heard the same and found it to be correct. RTI Chhinder Kaur. This statement has been got recorded by my mother in my presence and I attest the same. Sd-Amarjit Singh @ Kalu s/o Chhinder Singh R/o of Village Kothe Amangarh.”

3. Learned counsel for the petitioner contends that even though the petitioner has been specifically named in the FIR by the complainant, but no specific injury has been attributed to him. He further contends that it was a case of simple scuffle between the complainant side and the accused and the allegations have been unnecessarily exaggerated. Learned counsel further referred to the post-mortem report (Annexure P-2) to contend that there was no mark of visible external injury on the person of Chhinda Singh, since deceased. He further relies upon the medical report (Annexure P-4) to contend that the cause of death in the present case was fatal injury to spleen, as a result of blunt trauma, which was sufficient to cause death in ordinary course of nature. Learned counsel further contends that the said injuries attributed to Surjit Singh, co-accused and the petitioner has been wrongly involved in the present case. Learned counsel further contends that the petitioner was arrested in the present



case on 05.06.2022 and is in custody for the last more than 02 years and 01 month. He is the first offender and was never involved in any other criminal activity.

4. On the other hand, learned State counsel, assisted by learned counsel for the complainant, have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was involved in a serious crime and has been named by the complainant in the FIR itself.

5. I have heard the learned counsel for the parties and perused the record.

6. In the FIR, no specific injury has been attributed to the petitioner. Apart from that, as per post-mortem report (Annexure P-2), no visible external mark of injury was there on the body of Chhinda Singh, deceased and he had died because of rupture of spleen. Moreover, the petitioner is in custody for the last more than 02 years and 01 month.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

30.07.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

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