



CRM-M-21534-2024

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**221 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**CRM-M-21534-2024  
Decided on : 04.09.2024

Rinku @ Golu

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**Present : Mr. Ankur Malik, Advocate with  
Mr.; Monu Sharma, Advocate  
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

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**Manjari Nehru Kaul, J.(Oral)**

1. This is the second petition filed by the petitioner seeking concession of regular bail in case FIR No.213 dated 15.08.2022 under Sections 302, 148, 149 and 120-B IPC registered at Police Station Patran District Patiala.

2. In compliance of order dated 14.08.2024, report of the trial court concerned has been received and perused. As per the report sent by the learned trial court, the trial has indeed not been able to make much headway on account of repeated absence of the prosecution witnesses, despite the issuance ofailable warrants through the office of Sr. Superintendent of Police, Patiala on as many as three occasions. Till date, only one prosecution witness i.e.



Dr. Rajinder Singh has been examined out of total 28 witnesses cited by the prosecution.

3. Learned counsel for the petitioner has argued that it is a case of version and cross-version wherein both the sides received injuries at the hands of each other. While drawing the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, it has been further argued that although the petitioner has been named therein, however, the injury allegedly attributed to the petitioner is a kirch blow on the wrist of the deceased Ranjha Ram; the fatal injury has not been attributed to the petitioner but to the co-accused Ravi Kumar, who allegedly stabbed the deceased on his chest. Learned counsel has further argued that in view of the fatal injury not being attributed to the petitioner and the factum of the prosecution witnesses including the complainant absenting themselves before the trial court despite issuance ofailable warrants time and again, further incarceration of the petitioner would serve no useful purpose as there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Gurmeet Singh, has also not disputed the stage of trial and has submitted that the next date of hearing fixed before the trial Court is 18.09.2024 when some of the prosecution witnesses have been summoned throughailable warrants. Learned State counsel



has also not disputed, on instructions, that the fatal injury upon the deceased has not been attributed to the petitioner but to co-accused Ravi Kumar.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. Before proceeding further, it would be apposite to reproduce the contents of the FIR in question, which are as under:

*"At this time, one statement is recorded of Joni Ram son of Kola Ram resident of village Beharjuchh, Police Station Patran, District Patiala, aged about 29 years, Mobile No.70823-18190 written by SI/SHO Mohan Singh 2157/Pt, SHO, P.S. Sutrana registered a case against **Rinku Ram alias Golu** son of Ruldu Ram, Gurjeet Ram son of Dogar Ram, Dogar Ram son of Joginder Ram, Sanjeev Kumar son of Diala Ram, Ravi Ram son of Balvir alias Leera and Ram Kumar son of Joginder Ram, Harish Kumar son of Lachman Ram residents of Beharjuchh, PS. Patran Distt. Patiala under section 302, 148,149,120-B IPC through Pardeep Singh 3301/Pt, the contents of which is as under, " it is stated that I am resident of above mentioned address, and doing a work of labourer. We are seven brother and three sisters and all are married. I and my brother Ranjha Ram, Guljara Ram, Vakil Ram sons of Kola Ram, all four live together. All of us have separate rooms and we shared a one courtyard and four of us have one single main gate of the house. On dated 15.8.2022, I and my brother Ranjha Ram, aged about 31 years, buried the pipe line of the toilet in the yard of our house. We were*



*keeping the cement and sand in the street out side of the house then it would be the time around 4.30PM, my elder brother Ranjha Ram went outside to get some cement sand from the street, then I heard the sound of my brother Ranjha Ram Bachao Bachao, then on hearing the noise I ran outside the street then I saw that Dogar Ram son of Joginder Ram of our village was holding both the arms of my brother and the Sanjeev Kumar son of Dial Ram, who is husband of Sarpanch Suman Lata and Ram Kumar son of Joginder Ram raising lalkaras that end him and he should not be left alive and then while I was watching **Rinku Ram alias Golu** son of Ruldu Ram gave dasti Kirch blow on my brother, which hit on his left wrist and in the meantime Ravi Kumar son of Balvir alias Leera gave a dasti kirch blow on my brother, which hit on his left chest of my brother, meantime while I was watching Gurjeet Ram son of Dogar Ram gave a dasti kirch blow on my brother, which hit on his left side of his chest in heart. I move forward to save my brother then Harish Kumar son of Lachman ram gave a kirch blow on me, in order to save myself I raised my right arm then kirch landed on my right wrist and further landed on head of Gurjet Ram son of Dogar Ram. We raised alarm Mar Ta Mar Ta then people gathered and on seeing people all these persons ran away alongwith their respective weapons. My brother Gulzar Ram also reached at the spot. The blood was coming out of the injuries suffered by my brother Ranjha Ram and he was suffering a lot. We took my brother to a hospital Kaithal (Haryana) by arranging a private vehicle. While we were taking my brother*



*Ranjha Ram to a hospital at Kaithal and before reaching at Hospital Kaithal, he died in the way due to injuries suffered by him. We brought him to the village and is now going to Civil Hospital Samana for police proceeding. Police Party met us at T-Point Narua. I got recorded my statement. The cause of rivelary is that at the time of panchayat Election, my mother Mukhtiari Kaur contested election against Suman Lal wife of Sanjeev Kumar and my mother lost election. 6 months prior from my today, the above said persons quarrel with my brother Ranjha Ram. Due to above mentioned rivlarly, the above mentioned persons got together and killed my brother. Harish Kumar son of Lachman Ram, Gurjeet Ram son of Dogar Ram, Rinku Ram alias Golu son of Ruldu Ram gave knife blows on girls of our village on which case were registered. The action be taken against the above said persons. You read my written statement, heard and is correct. Sd/-”*

6. The petitioner has been in custody since 29.08.2022 and after the charges were framed on 29.07.2023, only one prosecution witness out of 28 cited has been examined till date. The trial is thus, unlikely to conclude in the near future.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.



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8.           However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
9.           Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.09.2024  
sonia

(MANJARI NEHRU KAUL)  
JUDGE

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