



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-61714-2023

Date of decision: 31.07.2024

Dalbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gobind Singh Randhawa, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Charitr Kadyan, Advocate for
Mr. V.K. Kaushal, Advocate
complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.022 dated 02.03.2020 under Sections 302, 324, 323, 148, 149 of the IPC registered at Police Station Ajnala, District Amritsar Rural.

2. Learned counsel for the petitioner submits that the petitioner has been in custody since 24.03.2020 in a case of version and cross version; in fact it was the opposite party which attacked the petitioner and his family members and it was in his right of private defence that the injuries were inflicted upon the complainant. Learned counsel has drawn the attention of this Court to the FIR which has been annexed as Annexure P-1 and submitted that the petitioner has only



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been attributed one injury on the abdomen of deceased Tarsem Singh and other than that no other role much less injury has been attributed to the petitioner. Learned counsel submits that since the trial has not yet concluded and all the material witnesses including the alleged eye witness stand examined, further incarceration of the petitioner would serve no useful purpose, as the trial would still take some time to conclude.

3. Per contra, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that it is the accused party which had without any provocation attacked the complainant party; all the accused were armed with lethal weapons; it was the petitioner, who inflicted the fatal blows on the abdomen of the deceased. Learned State counsel and learned counsel for the complainant have also submitted that the deceased was not armed with any lethal weapon and hence, there was no question of the petitioner apprehending any threat from him.

4. Learned State counsel has still further submitted, on instructions, that only 08 prosecution witnesses remain to be examined and hence, there is every likelihood that the trial would not take much time to conclude.

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

6. Before proceeding further, it would be relevant to reproduce the contents of the FIR, which are as under:-



“Statement of Manjit Singh son of Tarsem Singh caste Rai Sikh resident of Abadi Sohan Singh Ballaharwal, Age about 30 Years, Mobile No. 78554-72698. I hereby state that I am resident of above mentioned address and I do agricultural work and I alongwith my family reside in our farmhouse outside the village. We are three brothers. Land of Dalbir Singh son of Bhag Singh resident of Ballaharwal Abadi Sohan Singh is adjoining to our land. He has also built farmhouse in his land. We have dispute of our common vatt (boundary of land) with him. Yesterday dated 01.03.2020 at time about 3/4 PM. I alongwith my brother Lakhbir Singh was pruning the trees which are standing on our common vatt and Dalbir Singh alongwith his sons Sukha Singh and Lakha Singh came there and spoke abusive language to us. We did not want to fight and we came back to our house. At time about 6:30 PM my wife Kashmir Kaur went outside to the fields to bring fodder and Dalbir Singh son of Bhag Singh armed with spear, Sukha Singh and Lakhe Singh sons of Daibir Singh armed with dandas having sharp edge at one end, Balwinder Singin resident of Dalla Rajputan who is Dalbir Singh's son-in-law armed with daang. Manjot Kaur wife of Sukha Singh and Punno wife of Dalbir Singh empty-handed residents of Ballaharwal came and spoke abusive language to my wife. My father Tarsem Singh son of Bachan Singh had gone to Radha Soami Beas and in the meantime he also came at the spot and on hearing noise of disturbance I also went to the spot. Then Balwinder Singh resident of Dalla Rajputan raised laskara that get hold of them, do not let them slip away, teach them a lesson for making vatt on our side forcibly. Dalbir Singh gave blow of straight spear which he was holding in his hand, to my father on left side of abdomen and my father fell down on the ground and when he was lying down then Sukha Singh gave blow of sua (poker), which hit on his right eyebrow. My wife moved forward to save him and then Lakha Singh gave blow of Corrara (poker), which he was holding in his hands, to ray wire which hit on her head. Then Manjot Kaur and Punno got hold of my wife from hair and manhandled her. I raised hue and cry of 'maar-dina, maar- ditta' and all the above mentioned accused fled away from the spot alongwith their weapons. I have seen this whole incident with my own eyes. Then I arranged conveyance and alongwith my brother Lakhbir Singh took my father Tarsem Singh and wife Kashmir Singh to Civil Hospital Ajnala but my father could not bear the brunt of his injuries and he died on the way and I admitted my wife at Civil Hospital Ajnala. I placed my father's dead-body in mortuary. My wife was given first- aid and doctor sahib referred her to Guru Nanak Dev Hospital Amritsar, where,

she is undergoing medical treatment. The reason for grudge is that above mentioned Dalbir Singh was dismantling common vatt of our land from time to time and we stop him from doing so. Due to this grudge, today he fought with us and has murdered my father by inflicting injuries to him and has left my wife injures. After leaving my brother Lakhbir Singh near my wife, I along with my maternal uncle (mama) Gurnam Singh was going to police station to lodge complaint that you met us. Legal action be taken against above mentioned culprits. LTI/- Manjit Singh. Sd/- Gurnam Singh.”

7. No doubt, the petitioner has been in custody since 24.03.2020, however, now only formal witnesses remain to be examined. Learned counsel for the State as well as the complainant have submitted that all the material witnesses while stepping into the witness box have supported the case of the prosecution in its entirety. This Court, therefore, is not inclined to extend the concession of bail to the petitioner.

8. Accordingly, the instant petition is hereby dismissed.

9. 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.

10. However, keeping in view long custody period of the petitioner, the learned Trial Court is directed to make earnest efforts to expedite the trial and conclude it expeditiously, preferably within next 06 months.

31.07.2024

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No