

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

I. CRM-M-7877 of 2019

Date of Decision : February 26, 2019

<u>Sukhjit Kaur and another</u>	Vs.	Petitioners
<u>State of Punjab</u>		Respondent

II. CRM-M-7111 of 2019

<u>Manic Chhatwal</u>	Vs.	Petitioner
<u>State of Punjab</u>		Respondent

CORAM : HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : Mr. J.S. Toor, Advocate for the petitioners
(in CRM-M-7877 of 2019)

Mr. Pankaj Jain, Advocate for the petitioner
(in CRM-M-7111 of 2019)

Mr. M.S. Nagra, AAG, Punjab.

Mr. Lekh Raj Sharma, Advocate
Mr. Anil Kumar Garg, Advocate and
Mr. I.P.S. Kohli, Advocate
for the complainant.

This is the second petition (CRM-M-7877 of 2019) filed by Sukhjit Kaur and Shamsher Singh for grant of anticipatory bail in case FIR No.20 dated 2.2.2019 under Sections 323, 341, 307, 506, 279, 148, 149 IPC registered at Police Station City, Rupnagar as the earlier petition was dismissed as withdrawn with liberty to approach the Court of Sessions, at the first instance, and, thereafter, the petitioners have filed the present petition as their anticipatory bail application was dismissed by the Sessions Judge,

Rupnagar vide order dated 15.2.2019.

Prayer made in the second petition, i.e. CRM-M-7111 of 2019 has been filed by Manic Chhatwal in the aforesaid FIR, i.e. FIR No.20 dated 2.2.2019 is for grant of anticipatory bail. The petitioner has not approached the trial Court. However, since the Investigating Officer was present and the arguments in the connected case were heard at a length in the presence of learned State counsel as well as counsel for the complainant in both the cases, therefore, the same are disposed of together.

Brief facts of the case are that on 2.2.2019, the aforesaid FIR was registered at the instance of Ranbir Singh with the version that he is a practicing lawyer in the District Courts, Rupnagar and on 3.1.22019 in the evening he alongwith his friends Harminder Singh Rajput and Simranjit Singh Heera were returning in his car No.PB-12-X-4043 from Nalagarh side. Simranjit Singh Heera was driving the car, while the complainant was sitting on the co-driver seat and Harminder Singh Rajput was sitting on the back seat. When they reached near Nangal Railway Crossing, accused Gurpreet Singh @ Toni son of Shamsher Singh (petitioner No.2) hit his Innova car on the car of the complainant while driving in rash and negligent manner. Thereafter, he started abusing to the complainant, but by ignoring his abuses, they drove the car ahead. Thereafter, Gurpreet Singh drove his car and stopped in front of the car of the complainant and pulled him out from the car and gave him punch below which hit on his left ear and complainant had fallen on the ground. In the meantime, Sukhjit Kaur-petitioner No.1, wife of Gurpreet Singh, sitting in the car alighted from the car and both of them pulled out Simranjit Singh Heera and gave beatings to him. Harminder Singh

saved them and in order to save their life they again started their vehicle ahead and in the meantime, Gurpreet Singh made a phone call to someone by saying come immediately and these persons should not be left unhurt. Thereafter, the complainant drove his car towards Rupnagar Courts and when they reached near the Court premises that they found that 2/3 vehicles were coming while chasing their car and the complainant drove their vehicle inside the Court Complex. Gurpreet Singh Gill also drove his vehicle in the Court Complex while chasing them and 7/8 persons in other vehicles were armed with deadly weapons also came their and Gurpreet Singh raised a lalkara, that these persons should not be left unhurt. Simranjit Singh Heera stopped his car in front of Deputy Commissioner's Office and when all the three tried to alight from the car and flee from there, Gurpreet Singh who was carrying an iron rod, his father Shamsheer Singh having base-ball stick, his wife Sukhjit Kaur having danda and 7/8 persons encircled them and started giving beatings to them. Gurpreet Singh Gill @ Toni with a rod in his hand gave a blow on head of Simranjit Singh Heera with an intention to kill him which fell on his right eye. Shamsheer Singh gave a blow of base ball stick to the complainant which hit on his forehead and he had fallen down on the ground and the other persons also giving him beatings with danda due to which the complainant and Simranjit Singh Heera sustained serious injury on his eye. When they raised hue and cry, the Security Guards in the office of Senior Superintendent of Police came and accused fled from the spot. It is further stated that the accused persons, included one person, namely, Mohit son of Inder Singh Chhatwal. Thereafter, the complainant took Simranjit Singh Heera to Civil Hospital from where he was referred to GMCH, Sector 32,

Chandigarh and after his check up, the doctor, on account of serious injury to his eye, referred him to Eye Hospital, Sohana, Mohali. It is further stated that since the complainant was busy looking after Simranjit Singh Heera, he could not get his own MLR and he had gone to Civil Hospital, Rupnagar for his MLR and prayed that action be taken.

It is worth noticing that on the same day, the petitioner No.1 Sukhjit Kaur also lodged a complaint with the police vide DDR No.29 dated 2.2.2019 in which the incident of minor accident between the two cars was detailed and it was further stated that three persons alighted from the vehicle, two of them were having hair-cut and one was a Sikh gentleman and they started shouting at them and gave beatings to her husband and when she opposed, she was also given beatings. On raising voice, the accused fled from the spot in their car No.PB-12X-4043. It is further stated that due to the fight and quarrel, the turban of her husband as well as Rs.30,00/- lying with them fell down. She was also medico-legally examined and, thereafter, the aforesaid DDR registered.

Counsel for the petitioners Sukhjit Kaur and Shamsheer Singh has argued that, in fact, it is the complainant party which caused injuries to petitioner No.1 and her husband Gurpreet Singh. It is further stated that in the DDR version got recorded by the petitioners, the correct version of the accident and causing injuries was given regarding the time and the manner in which the injuries were caused by the complainant party. The counsel has further argued that even there is a CCTV footage of petrol pump nearby, where the accident was recorded.

Counsel for the petitioner has further argued that the time given

by the petitioners co-relate with the time shown in the CCTV footage whereas the complainant party has given the time which is one hour prior to the time of incident. It is further stated that the accident was caused by the driver of the car No. PB-12X-4043 and even while leaving the place he had hit another vehicle.

Counsel for the petitioner-Mohit has stated that, in fact, he is son of former President of the Municipal Council, Rupnagar and his mother is the present Vice-President and on receiving information from non-applicant Gurjeet Singh, he had gone to the place and he was the person who had informed the police on telephone. It is further stated that the name of the petitioner was not correctly named in the FIR which was registered after two days and in the FIR the only role attributed is that he was present there and he is not assigned any role. It is further stated that he has no association with the other accused persons and he is roped on account of political faction between the parties as the complainant party is the practicing lawyer at Rupnagar.

In reply, learned State counsel, on instruction from the Investigating Officer, has submitted that as per the allegations in the FIR and there are two incidents, firstly, after a minor accident which occurred between the two cars, Gurpreet Singh caused injuries to complainant Ranbir Singh whereas his wife, i.e. petitioner No.1 caught hold of hair of Simranjit Singh Heera. It is further submitted that after the accident, in a pre-meditative manner when the main accused Gurpreet Singh Gill @ Toni called his father Shamsher Singh, i.e. petitioner No.2 and petitioner-Manic Chhatwal, they reached at the Court Complex, Rupnagar. In the second incident which has

occurred in the Court complex outside the Deputy Commissioner's Office and is also recorded in the CCTV footage, the petitioners are shown causing injuries to the complainants/victims alongwith their associates. It is further submitted that the injuries sustained by petitioner No.1-Sukhjit Kaur is only complaint of pain in the left shoulder, whereas as per the doctor's opinion, victims Simranjit Singh Heera has lost vision of his right eye as well as has suffered hearing loss from his right ear and, therefore, the injuries sustained by him are declared to be grievous in nature. It is further stated that this victim has even suffered fracture on right nasal bone as per the MLR.

Learned State counsel has further stated that petitioner No.2 Shamsher Singh and Gurpreet Singh Gill @ Toni are habitual offenders and qua petitioner No.2, two FIRs i.e. FIR No.15 dated 2.2.2013 under Sections 452, 506, 148, 149 IPC registered at Police Station Sadar, Rupnagar and FIR No.57 dated 8.6.2018 under Sections 186, 153, 342, 506, 34 IPC registered at Police Station Sadar, Rupnagar, are pending. Similarly, the main accused Gurpreet Singh against whom five FIRs are pending out of which in two FIRs, both of them are the co-accused. A perusal of the offences mentioned in the aforesaid FIRs would reveal that petitioner No.2 and his son have caused injuries to other persons as well and they seem to be quarrelsome persons.

Learned State counsel further submits that in one FIR No.57, both of them had detained an official of State Bank of India, who had gone to their house regarding recovery of the loan and he was illegally detained and was given beatings.

Counsel for the complainant have further argued that, in fact, the

DDR got registered by petitioner No.1 is only a counter-blast and it was also recorded on 2.2.2018 after the petitioner got the FIR registered at 8.45 p.m, whereas the DDR was registered at 9.57 p.m. It is further stated that in the DDR, there is no mention of the second incident which occurred at the Court premises and was recorded in CCTV camera. The counsel has further submitted that even against petitioner-Mohit, the supplementary statement recorded under Section 161 Cr.P.C. of the complainant-victim an injury is attributed by way of a wooden stick on the right side of the head of the victim, which resulted into a fracture on the skull bone and this injury is duly corroborated by the medical evidence. It is further submitted that supplementary statement was recorded as the victim was not in a position to make the statement immediately and injury No.3 sustained by Simranjit Singh Heera, who had suffered fracture on medial wall of right orbit and fracture of right nasal bone is in two parts, which are attributable to Shamsheer Singh and Mohit.

Counsel for the complainant lastly argued that the manner in which, the petitioners along with main accused Gurpreet Singh Gill @ Toni have chased the complainant/victims after the minor accident till they reached in front of the Deputy Commissioner's Office, Rupnagar in Court Complex show that they had come with a pre-meditative motive to cause injuries to the victims to teach them a lesson and they had sufficient time in between to contact the police if there was any fault on the part of the victims and rather, they chose to take law in their own hand and have caused grievous injuries to the victims, who have even lost their vision and hearing and have also suffered fracture in the nasal bone/ and skull bone.

In reply, the counsel for the petitioners have submitted that petitioner No.1-Sukhjit Kaur, as per the MLR, she had suffered dislocation of the shoulder and further submitted that the medical evidence relied upon by the victims is based on the opinion given by the private doctors. However, it could not be disputed by the counsel for the petitioner Shamsher Singh that he along with his son Gurpreet Singh are involved in number of FIRs.

After hearing counsel for the parties, I find no ground to grant anticipatory bail to petitioner No.2-Shamsher Singh in CRM-M-7877 of 2019 and petitioner-Manic Chhatwal in CRM-M-7111 of 2019. However, I find that petitioner No.1-Sukhjit Kaur in CRM-M-7877 of 2019 is entitled to grant of anticipatory bail.

It is admitted case of both the parties in the version and cross-version that the car driven by accused Gurpreet Singh @ Toni met with a minor accident with the car of the complaints which was driven by Simranjit Singh Heera and, thereafter, they had a minor scuffle with the complainant party. However, the matter did not end here and the main accused Gurpreet Singh @ Toni called his father, i.e. Shamsher Singh and his friend Manic Chhatwal, who chased the complainants/victims and they never thought of taking legal action by informing the police and rather had taken the law in their own hand and by entering the Court premises where the office of the Deputy Commissioner is situated, they caused multiple injuries to the victims as noticed in the FIR and as per the photocopies of the MLRs supplied by both the parties. The complainant has also given a supplementary statement regarding the role of causing injuries by petitioner Manic Chhatwal who has

attributed a injury on the head of Simranjit Singh Heera resulting in fracture of nasal and skull bone. Therefore, finding the serious allegations and the manner in which the petitioner-Shamsher Singh and Manic Chhatwal, on the asking of main accused Gurpreet Singh @ Toni, reached at the Court premises in a pre-meditative manner caused injuries to the victims by taking law in their hands. Therefore, I find no ground to grant anticipatory bail to both the petitioners-Shamsher Singh and Mohit Chhatwal.

However, the primary allegation against petitioner No.1-Sukhjit Kaur are relating to the first incident when the cars of the complainant and the accused met with a minor accident and they had a fight/scuffle at the spot. Admittedly, Sukhjit Kaur was not the driver of the offending vehicle and her husband Gurpreet Singh was driving the same who was involved in the road rage at the first instance. Therefore, I deem it appropriate to grant anticipatory bail to petitioner No.1, i.e. Sukhjit Kaur only.

Accordingly, petition qua petitioner No.2-Shamsher Singh in CRM-M-7877 of 2019 and petitioner-Manic Chhatwal in CRM-M-7111 of 2019 is dismissed. However, petition qua petitioner No.1-Sukhjit Kaur in CRM-M-7877 of 2019 is allowed. She is directed to appear before the Investigating Officer and join the investigation. She will abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Photocopy of this order be placed on the file of the connected case.

February 26, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE