

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37505-2022
Reserved on: 26.08.2022
Date of Pronouncement: 05.09.2022

S.S. Bindra @ Surinder Singh
...Petitioner (s)
Versus
State of Punjab
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Dr. Anmol Rattan Singh, Sr. Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner(s).

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. APS Deol, Sr. Advocate and
Mr. Akshay Bhan, Sr. Advocate with
Mr. G.S. Bedi, Pawandeep Singh, Akhilesh Barah and
Mr. Anand V. Khanna, Advocates
for respondent no.2-complainant

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
161	30.7.2022	Sarabha Nagar, District Police Commissionerate, Ludhiana	323, 307, 342, 148, 149 IPC and Sections 25 and 27 Arms Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. In paragraph 8 of the bail petition, the accused declares that he has no criminal antecedents.
3. Dr. Anmol Rattan Sidhu, Sr. Advocate, appearing for the petitioner, submitted that a perusal of CCTV footage would establish that when the

petitioner Surinder Singh Bindra entered the party hall, at that time he was empty-handed, which shows that he had no intentions to assault anyone. Furthermore, the injury received by Karan Goyal on his head is not attributed by the petitioner. Regarding the injuries sustained by Sanjiv Mongia, he argued that it would amount to only grievous hurt, not dangerous to life, and would fall under section 324 IPC. Learned Counsel further prayed that no evidence points out that the petitioner had acted in furtherance of common object with the other accused, who had assaulted the complainant party in a brawl, which allegedly was started and initiated by the complainants because they refused to pay the bill for around 25% extra guests, whom they had invited over the booking. Learned counsel further contended that even one of the accused had suffered a deep injury caused with a sharp weapon, and there is a cross-complaint. Learned counsel finally submitted that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. Mr. Harsimar Singh Sitta, Deputy Advocate General for the State of Punjab strenuously opposed the bail and argued that CCTV footage points out that the petitioner entered the party hall along with his accomplices, who were armed with sharp kitchen tools and some of the accused were even armed with pistols/revolvers. Upon entering the party hall, the petitioner restrained the complainant party from leaving and encircled them. After that, he and his staff started the assault when one of such persons started giving blows with empty alcohol bottle held by him in his hands. Soon after that, one of the members of the accused party inflicted injuries upon the person with whom they were negotiating and was restrained and the blood started oozing out. Other accused also started brutally assaulting the guests who had come present to the party. The petitioner kept on instigating to kill a few of them by proclaiming that he had accumulated crores of rupees and would bring them down. Thus, the State's contention is that the petitioner had the common object to assault the complainant party and he instead of stopping the scuffle himself assaulted the guests and at his instance his accomplices brutally assaulted the members of the complainant party, and the accused are not entitled to any bail during the trial.

5. Mr. APS Deol, Sr. Advocate, opposed the bail and submitted that the injury received by Karan Goyal on his scalp was caused at the instance of the petitioner,

who even proclaimed to kill many people and openly declared that he had procured crores of rupees and will ensure that they are absolved of all charges. Ld. Sr. Advocate argued that a thorough investigation is required about the incident and also about the sources of the petitioner's funds, and prayed that it was only by a whisker that the injury on Karan Goyal did not cut his brain matter and the petitioner is not only the main accused but also the gang leader.

REASONING:

6. The FIR has been reproduced in para 1 of the status report filed by an IPS officer, who is a member of the Special Investigation Team, and it reads as follows:

"1. That succinctly stated that the above mentioned FIR has been registered against the petitioner and his co-accused instance of complainant Anirudh Garg s/o Rajnish Garg r/o 125 Rajguru Nagar, Ludhiana, with the following allegations:

"that 29/07/2022, had hosted party Baklavi Hotel honor the investors his investment company. Before the party, was settled with the managing staff the hotel that the payment will be made the rate of per-plate. About 70 investors attended the party. After the party, the manager the hotel said that they will charge per person. On this, oral arguments started between the manager and the complainant side. Then Puneet Bindra hit complainant's father Rajnish Garg on his back and nose with a rod. Gurkirat Bindra, S8 Bindra and Puneet Bindra hit Karan Goyal on his head, back and arms with iron rod and empty bottles of liquor with an intention to kill him. Gurkirat Bindra, SS Bindra, Puneet Bindra and their managers Pawan and Ajay beat Brij Mohan with iron rods and bottles and inflicted injuries to him S.S.Bindra hit Sanjeev Mongia with iron rod on his left arm, left hand and on head. Gurkirat Bindra took out pistol from his dub and pointed towards the complainant and his father. Puneet Bindra hit complainant with iron rod on his head. The accused bolted the gate of the hotel and wrongfully confined complainant and other family members/ friends in the hotel. The managers Ajay and Pawan as well as other workers of the hotel armed with dandas stood at the gate of the hotel. His friend Arush Jain came forward to rescue him. He was also beaten by the accused. The accused also caused injuries to some other investors who came forward to rescue them. The injured were taken to DMC Hospital".

2. That a total of 7 persons from complainant side sustained injuries. The statements of all the injured namely Rajnish Garg. Anirudh Garg, Karan Goyal, Brij Mohan Thaman, Sanjeev Mongia, Parvesh Arora and Ayush Jain have been recorded. They have stated in their statements recorded u/s 161 Cr.PC that

"After the party when they requested managers Ajay Kumar and Pawan Kumar to settle the amount of the bill which was in

excess, they refused to do so and started abusing. They requested the anager not to give filthy abuses but thereafter they in conspiracy with Gurkirat Singh Bindra, Surinder Singh Bindra (Petitioner), Manmeet Singh Bindra, Sukhdeep Singh @ Seepa, Ashu Chawla, Staff Members Ranjit Singh, Amandeep Singh Aman and 15 to 17 unidentified persons wrongfully confined them in the hotel. The entire incident has been recorded in the CCTV Cameras installed in the hotel. Surinder Singh Bindra who is Town Planner is main accused. He raised his hand, raised Lalkara and asked his co-accused to bolt the door from inside. He asked Gurkirat Singh Bindra and Manmeet Singh Bindra to fire shots from their revolvers and said that if 2 or 4 persons are murdered, he has crores of money and will save them. Surinder Singh Bindra Insitigated by gesture of his hand, his co-accused who had gathered there to attack the complainant party. Then all the accused attacked complainant party with iron rods, kitchen knives and glass bottles with intention to kill them. Gurkirat Singh Bindra hit Rajnish Garg with the glass bottle with intention to kill him which hit on his nose, Gurkirat Singh Bindra hit Anirudh Garg with glass bottle and caused injure to him, Gurkirat Singh Bindra gave repeated rod blows to Karan Goyal with intention to kill him. Karan Goyal was bleeding profusely from his head, Ranjit Singh hit Karan Goyal With dang on his back with intention to kill him, Surinder Singh Bindra attacked Brij Mohan Thaman with fist blows, Manmeet Singh Bindra gave rod blows to Rajnish Garg on his right arm and right leg, manager Ajay Kumar gave rod blows to Rajnish Garg on his left leg, Manager Pawan kumar gave repeated rod blows to Anirudh Garg, Surinder Singh Bindra (petitioner) strangulated injured Brij Mohan Thaman with intention to kill him and also slapped him. Ashu Chawla who is friend of Surinder Singh Bindra pushed Brij Mohan Thaman. Amandeep Singh @Aman hit Rajnish Garg iron rods a number of times. When Parvesh Arora came to rescue Brij Mohan Thaman, Ranjit Singh and Gurkirat Singh Bindra gave iron rod blows to Parvesh Arora. Surinder Singh Bindra hit injured Ayush Jain with glass bottle with intention to kill him. When Ayush Jain ran outside to save himself and came forward to rescue to Sanjeev Mongia and Rajnish Garg and etc, Surinder Singh Bindra, Gurkirat Singh Bindra, Manmeet Singh Bindra, Manager Ajay Kumar, Pawan kumar, Amandeep Singh, Ranjit Singh, Ashu Chawla Sukhdeep Singh @ Seepa beat him badly with iron rods and their respective weapons. Surinder Singh Bindra raised Lalkara and asked Gurkirat and Manmeet to fire Shots form there pistols and to kill them. Then Gurkirat singh Bindra to caught his pistol from dubb, cocked it and pointed it towards complainant party with intention to kill. They ran towards to their vehicles and rescued themselves with great difficulty. The accused followed them upto hotel 69 while beating giving beating to them. The accused did not let them to pick their vehicles. The vehicles were taken on the next day with help of Police".

3. That it is pertinent to mention here that injured Karan Goyal had sustained injury on his head which is a vital part. As per discharge summary

"the patient had laceration of approx 0.5 X 3 CM over right parietal region, with bruising over the right forearm, patient underwent NCCT Head which was within normal limits. Scalp suturing under LA on 31/07/2022 was done."

4. That the left arm of injured Sanjiv Mongia also got fractured due to iron rod blows given by the petitioner and his co-accused. On the basis of MLR of Sanjeev Mongia an offence u/s 325 IPC was added.

5. That during investigation, DVR was taken into possession on 30/07/2022. **(Pen drive containing recording of CCTV footage is Annexure R-1)**

6. That on 02/08/2022, a cross case vide DDR No. 38 dated 02/08/2022 was registered against unknown persons on basis of statement of Manmeet Singh Bindra who is one of the accused in the above mentioned FIR. The accused party had produced MLR's of Manmeet Singh Bindra and Pritam Singh. In the CCTV footage, it can be seen clearly that the guests were unarmed. However the matter is being investigated and action will be taken accordingly.

7. That on 13/08/2022, Sukhdeep Singh @ Seepa, one of the accused, was arrested. **During interrogation, he stated that Surinder Singh Bindra had directed them to attack the complainant party and to eliminate them.** He further stated that he has destroyed iron rods, kitchen appliance (Khurchana) and tissue holder used by him to inflict injuries upon the complainant party. So an offence u/s 201 IPC was added.

8. That it is important to mention here that the petitioner and his accomplices exceeded their right of private defense specially when the complainant party was barehanded. They brought iron rods, kitchen knives and glass bottles to attack the complainant party. Apart from it, accused Gurkirat Singh Bindra who is nephew of the petitioner was also armed with pistol. He took out his pistol and cocked it with intention to kill and pointed it towards the complainant party.

9. That the custodial interrogation of the petitioner is very much required to investigate the matter as he is instigator and attributor of injuries. Moreover weapons are also to be recovered from his possession.

10, That the petitioner who is a government employee has committed a heinous crime. He does not deserve the relief of anticipatory bail as he may tamper with the evidence of the case as the complainant party has already approached the Commissioner of Police, Ludhiana via representations for receiving threats to their life."

7. A perusal of the order passed by the Additional Sessions Judge reveals that

after watching the entire CCTV footage, the Ld. Judge found the petitioner’s involvement, and reference is made to para 8 of the said order. A reading of the status report points out that the petitioner is the main accused, at whose instance the guests of the party were brutally assaulted in the presence of the petitioner, who, instead of taking remedial measures to stop the occurrence, further aggravated it by himself participating in the assault. The brutality with which the accused assaulted the guests who had come to enjoy the party speaks volumes about the arrogance of money and its power.

8. Regarding the injuries sustained by the accused persons, once it is prima facie evident that the accused party had wrongfully restrained the complainants and also initiated the scuffle, the direct infliction of such injury is insignificant to grant bail to the petitioner. Given the nature of the injuries and the preparations made for such assault, the petitioner is not entitled to bail at this stage.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

Sep. 05, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.