



CRM-M-30469-2024 and connected cases 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

229 (I) CRM-M-30469-2024
Date of Decision : August 14, 2024

LAKHVIR SINGH @ KAKA -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(II) CRM-M-30483-2024

VINERETU @ VINEY RATTU -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

(III) CRM-M-30904-2024

ABHI @ GOLI -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate
for the petitioner(s) (in CRM-M-30469-2024 and
CRM-M-30483-2024).

Mr. P.K.S. Phoolka, Advocate
for the petitioner (in CRM-M-30904-2024).

Mr. Sahil R. Bakshi, A.A.G., Punjab.

Mr. Jaskirat Singh Dhaliwal, Advocate
for the injured- Sameer Singh.

KULDEEP TIWARI, J. (ORAL)

1. The amenability of all these petitions for being decided through
a common verdict originates from them being arising out of a common FIR,

**CRM-M-30469-2024 and connected cases****2**

besides common relief(s) being yearned therein.

2. To be precise, in all these petitions, the petitioners crave for indulgence of this Court for them being enlarged on regular bail, in case FIR No.56 dated 28.04.2024, under Sections 308/341/323/427/148/149/341 of the IPC, registered at P.S. Civil Lines, Bathinda, District Bathinda.

ALLEGATIONS IN THE FIR

3. The present FIR derives its origin from a statement made by one Sukhmander Singh (hereinafter referred to as the 'complainant'). Concisely, the allegations levelled in the FIR are that, the petitioners and their co-accused, who were armed with kirpans, rods, baseball bats and iron pipes, attacked at the complainant and his companions and inflicted injuries on them.

4. The relevant extract of the complainant's statement (supra), as narrated in the present FIR, is reproduced hereunder:-

"...On dated 28.04.2024, I was boarded in school van no. PB03F3222 along with my companions from Street No.7, Lal Singh Basti, Bathinda to attend the election rally of Biba Harsimrat Kaur Badal at Green Palace. There Biba Harsimrat Kaur Badal had given speech and went away. We were boarded in the same van and coming back to our house. At 2:30 PM, our van reached at gate no.3 of Sports Complex Bathinda. 8/10 young men were on motorcycles and scooters armed with swords, rods, baseball and iron pipes and surrounded our school van and broke the glasses of van and driver Nirmal Singh opened the window and ran away. Some persons entered into the van, raising lalkara and given beatings and said that you have quarreled with their friend Pina and in future do not dare to look at Pina. Vikram @ Kaufi son of Yupa Singh resident of Chandsar Basti, Bathinda given blow of his iron rod at my head. Then Yadwinder Singh @ Pina son of Jaskaran Singh resident of Chandsar basti, Bathinda given blow of his baseball at the elbow of my right arm. Then Vineretu son of Ram Nath resident of Chandsar Basti, Bathinda given blow of his sword at my right bicep.

**CRM-M-30469-2024 and connected cases****3**

The other persons also given me beatings. Then given beatings to Lavdeep Singh @ Dodi resident of Chandsar basti, Bathinda, Lakhvir Singh @ Kaka son of Avtar Singh resident of Bir Road Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Matti Das Nagar, Bathinda, Mani Singh @ Labha son of Jora Singh resident of Chandsar Basti, Bathinda, Abhi @ Goli son of Tara Chand resident of Kamla Nehru Colony Bathinda, Happy son of Shinda Singh resident of Chandsar basti, Bathinda and Samir son of Nika Singh resident of Udhham Singh Nagar, Bathinda given beatings. When we all raised noise marta marta, all the above said persons ran away on their vehicles with their weapons. Then the other persons boarded in the van got me admitted in Civil Hospital Bathinda. Samir had suffered multiple injuries and therefore he was referred to higher hospital. The reason behind the grudge is that a boy named Pina had quarreled somewhat in the rally. Pina called his friends, surrounded the van, inflicted injuries and caused damage to the van. Legal action be taken against Yadwinder Singh @ Pina son of Jaskaran Singh, Vikram Singh @ Kaufi son of Yupa Singh, Vineretu son of Ram Nath, Lavdeep Singh @ Dodi son of Nachhattar Singh, Mani Singh @ Labha son of Jora Singh, Happy son of Shinda Singh resident of Chandsar Basti, Bathinda, Lakhvir Singh @ Kaka son of Avtar Singh resident of Bir Road, Bathinda, Gurjot Singh @ Jot son of Harbhupinder Singh resident of Mati Das Nagar, Bathinda and Abhi son of Goli son of Tara Chand resident of Kamla Nehru Colony, Bathinda....."

SUBMISSIONS OF LEARNED COUNSELS FOR THE PETITIONERS

5. The learned counsels for the petitioners, in their asking for the hereinabove extracted relief, have made the following submissions:-

(i) Petitioners have been falsely implicated in the present FIR, whereas, they have no concern or connection with the alleged crime;

(ii) No specific role or injury has been assigned to the petitioners;

**CRM-M-30469-2024 and connected cases****4**

(iii) Nonetheless, a compromise has already been arrived at between the parties with the intervention of respectable members of society, therefore, no purpose would be served by keeping the petitioners behind the bars;

(iv) Petitioners have suffered incarceration of approx. 3 ½ months;

(v) Trial is yet to commence, inasmuch as, after completion of investigation qua all accused persons, except accused Happy Singh, the Final Report was presented on 26.06.2024 and none of the prosecution witnesses has been examined so far;

SUBMISSIONS OF THE LEARNED STATE COUNSEL, AND,
LEARNED COUNSEL FOR THE INJURED- SAMEER SINGH

6. *Per contra*, the learned State counsel, who is assisted by the learned counsel for the injured- Sameer Singh, has vociferously opposed the grant of bail to the petitioners, on the ground that, the injured suffered severe head injury with compound depressed fracture with right Motor Cortex injury in the assault made by the petitioners and their co-accused and resultantly, he is on wheel chair and is dependent on others for his day to day affairs.

7. The learned counsel for the injured- Sameer Singh argued that, although the complainant may have compromised the matter with the petitioners and their co-accused, however, in the absence of the injured being a signatory thereto, rather being totally against it, renders such compromise to be futile, especially when the offences whereunder the petitioners have been charged are non compoundable.

8. The learned State counsel has also filed a reply (in CRM-M-

**CRM-M-30469-2024 and connected cases****5**

30469-2024), on affidavit of Saravjeet Singh Brar, PPS, Deputy Superintendent of Police, City-II, Bathinda, which is taken on record. Moreover, he has also filed the custody certificates of the petitioners, which are also taken on record.

MEDICAL STATUS OF COMPLAINANT AND INJURED, AND, RECOVERY EFFECTED FROM THE PETITIONER(S) (AS DISCLOSED IN THE REPLY FURNISHED BY THE RESPONDENT-STATE)

9. During the course of investigation, the investigating officer collected the MLR of the complainant, wherein, total 08 injuries were mentioned. Out of these 08 injuries, injuries No.1, 2, 3, 4, 5, 7, 8 were caused with blunt weapon, whereas, injury No.6 was kept under observation. Likewise, on 11.05.2024, the investigating officer collected the medical record relating to injured Sameer Singh, which included his bed head tickets, X-ray reports and medico legal opinion about injuries suffered by him. The doctor concerned opined the injury No.1 suffered by injured Sameer Singh to be “dangerous to life”.

10. Insofar as medical status of the injured Sameer Singh is concerned, the investigating officer produced him before Dr. Neel Kamal Singh in Helios Hospital, Bathinda, who after perusing the injured’s medical record and after conducting his physical examination, rendered the hereinafter extracted opinion:-

“Patient Sameer Singh Son of Nika Singh was admitted to our hospital on dated 28.04.2024, with A/H/O Assault and severe head injury with compound depressed fracture with right Motor Cortex injury & emergency surgery was done on 28.04.2024 & after stabilization patient was discharged on 03.05.2024 with Gcs 15/15 and left hemi paresis. last opd visit of patient was on 17.06.2024 at that time, his condition



CRM-M-30469-2024 and connected cases

6

was Gcs 15/15 power left side 2/5. He was on wheel chair and need help for doing daily routine activities (dependent on another person) and kindly consider.” (emphasis supplied)

11. Now, for adverting to the recoveries effected from the petitioners, it would be apt to allude to the hereinafter extracted paragraphs of the status report, wherein becomes disclosed the mode and manner of such recoveries.

“6. That after registration of case FIR, the investigation was commenced and the investigating officer had reached on place of occurrence and School Van Lord Rama Public School Colour Yellow bearing Registration No.PB-03AF-3222, which was broken by accused persons, was taken into police possession vide recovery memo duly attested by witnesses. On dated 28.04.2024, the investigating officer had arrested accused Yadwinder Singh alias Pina, Lovedeep Singh alias Dodi, Vineratu, Vikram Singh alias Coffee Lakhvir Singh alias Kaka and Gurjot Singh alias Jot in the present case while preparing respective memos of arrest, rank, intimation and personal search etc. Then on dated 30.04.2024, during interrogation; the accused Yadwinder Singh alias Pina had got recovered broken wooden baseball, accused Vikram Singh alias Coffee got recovered Scratcher without handle (Khurchana), accused Gurjot Singh alias Jot got recovered Motorcycle Hero Honda No.HR-24H-9084, Vineratu got recovered Access 125 Scooty No.PB-03-6849 used in occurrence through their respective disclosure memos and the investigating officer had taken these articles into police possession vide separate memos of recoveries.

7. That on dated 05.05.2024, the investigating officer had arrested accused Abhi alias Goli in the present case while preparing respective memos of arrest etc and during interrogation, the accused Abhi alias Goli had recovered the Handle of Spade used in occurrence to break glass of school van. Then on dated 30.05.2024, the investigating officer had arrested accused Mani alias Labba in the present case while preparing respective memos of arrest etc and during interrogation, the accused Mani alias Labba had also got recovered Wooden Stick (Tamba) used in occurrence to break glass of school van.”

REASONS FOR DISMISSING THE INSTANT PETITIONS

**CRM-M-30469-2024 and connected cases****7**

12. This Court has heard the submissions made by the learned counsels for the parties and perused the record. However, for the reasons to be assigned hereinafter, this Court is not inclined to grant the relief of regular bail to the petitioners.

13. There are specific allegations against the petitioners that, they being a part of the unlawful assembly, assaulted the complainant and his companions with deadly weapons. The upshot of this assault is that, the injured Sameer Singh had to undergo major surgery(ies) and he has become disabled. He is on wheelchair and dependent on others for his day to day affairs.

14. Moreover, after completion of investigation, when the Final Report has already been presented against the petitioners and the statement of injured Sameer Singh is yet to be recorded, therefore, the purported compromise executed solely with the complainant and the incarceration of approx. 03½ month cannot alone constitute any ground for grant of regular bail to the petitioners at this stage. Consequently, all these petitions are **dismissed**. However, liberty is reserved to the petitioners to re-access this Court, in case there occurs any inordinate delay in conclusion of the trial.

15. Anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

16. A photocopy of this order be placed on file of each connected case.

August 14, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No