



**CRM-M-32860-2024 and another connected case**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**Date of Decision:- 31.07.2024**

**(1)**

**CRM-M-32860-2024**

**Surinder Singh**

...Petitioner

**Vs.**

**State of Punjab**

...Respondent

**(2)**

**CRM-M-32945-2024 (O&M)**

**Manish Sharma**

...Petitioner

**Vs.**

**State of Punjab**

...Respondent

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

**Present:-** Mr. A.P.S. Deol, Senior Advocate with  
Mr. Himmat Singh Deol, Advocate  
for the petitioner in CRM-M-32860-2024.

Mr. Samay Singh Sandhawalia, Advocate  
for the petitioner in CRM-M-32945-2024.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Harpreet S. Multani, Advocate with  
Mr. Vibhor Rana, Advocate and  
Ms. Kritika Kumari, Advocate  
for the complainant (in both cases).

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**AMARJOT BHATTI, J.**

1. The petitioners – Surinder Singh and Manish Sharma have filed separate petitions for grant of anticipatory bail and regular bail respectively in FIR No. 97 dated 03.06.2024, under Sections 308, 323, 506, 379 and 341 of Indian Penal Code, 1860, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1). These petitions have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

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2. Facts of the case are Tanish Kumar complainant gave his statement to police that on 02.06.2024, he along with his father Rakesh Kumar and friend Gurbachan Singh were coming on their Toyota Etios car bearing Registration No. PB-12-AA-0107 from Landran (Mohali) to Nangal. At about 05:00 PM, they reached Toll Plaza Solkhian, where one person travelling in car bearing No. PB-71A-9763 started argument that he (complainant) did not give side to his car. On this, complainant asked for apology in case he had committed any mistake. Said person called other persons on mobile phone and he (complainant) was stopped near Police Line, Rupnagar. The person who was driving car introduced himself as Patwari and he gave fist blow and *Kada* blow to his father, as a result of which he fell down and received head injury. Later on, he came to know that said person was namely Surinder Singh s/o Darshan Singh. He can recognize other persons on seeing. Said assailants managed to escape in their car. His father was taken to Civil Hospital, Rupnagar, further referred to PGI, Chandigarh where he remained under treatment. His father was not fit to make statement. Said Surinder Singh had also taken away keys of his car. With these allegations present FIR has been registered.

3. Learned Senior counsel for petitioner Surinder Singh argued that petitioner is Patwari by profession and he is in service for last eight years. A false case has been registered against him to harm his service career as public servant. The complainant party is pressurizing him. Copy of his identity card issued by Rural Development and Panchayat Department is Annexure P-2. Initially incident occurred near Toll Plaza Solkhian. Tanish Kumar was driving the car rashly and negligently. Due to erratic behaviour

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of Tanish Kumar, he had felt sorry. When petitioner along with his brother Varinder Singh reached Police Line Rupnagar, they were waylaid by complainant and gave beating to Varinder Singh. During scuffle, Rakesh Kumar fell down and suffered injury on his head. It is argued that Varinder Singh was arrested and is in custody since 03.06.2024. Vehicle No. PB-71-A-9763 is taken into police possession. No recovery is to be effected from him. Learned counsel for petitioner vehemently argued that complainant is creating false medical record by admitting Rakesh Kumar in Max Hospital on 08.06.2024. In-fact, it is a case of simple hurt under Section 323 of IPC and applicability of Section 308 of IPC is matter of debate. It is pointed out that injured Rakesh Kumar is not in Coma as claimed by complainant. Anticipatory bail application filed by present petitioner was wrongly declined by learned Additional Sessions Judge, Rupnagar. Present petitioner is ready to join the investigation as and when required. No purpose would be served by keeping him behind the bars. Therefore, his anticipatory bail petition may be allowed.

4. Learned counsel representing petitioner Manish Sharma argued that Manish Sharma was arrested on 24.06.2024 and on the same day, he was sent to judicial custody. Since then he is behind the bars. He is not attributed any specific role. He was not known to Surinder Singh rather he had merely accompanied co-accused Ravinder Singh. Present petitioner will abide by terms of bail order. Therefore, his regular bail petition may be allowed.

5. Bail petition is opposed by learned counsel representing the State and it is also strongly opposed by learned counsel for the complainant. As

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per status report, FIR is registered against petitioner Surinder Singh along with four unknown persons. The other co-accused are namely Barinder, Harinder and Manish Sharma. Injured Rakesh Kumar was initially taken to Civil Hospital, Rupnagar and he was referred to PGI, Chandigarh where surgery was performed and he remained admitted from 02.06.2024 to 05.06.2024. Thereafter, he was again admitted in Max Hospital from 08.06.2024 to 18.06.2024. Head injury suffered by victim was declared grievous in nature and his condition is still critical. Injured is not able to speak. It is further confirmed that till date his statement could not be recorded. Present petitioner is attributed specific role. He is yet to join the investigation and *kada* is yet to be recovered with which Rakesh Kumar had suffered head injury.

Learned counsel representing complainant has placed on record subsequent treatment record of Max Healthcare, according to which Rakesh Kumar was again admitted on 14.07.2024 and discharged on 18.07.2024. Apart from treatment record, still photographs of alleged occurrence are placed on record as Annexure C-2 and photograph of injured Rakesh Kumar showing his condition is Annexure C-5. It is argued that petitioner was attacked by Surinder Singh and Manish Sharma petitioners along with others, as a result, he was seriously injured. Petitioner Surinder Singh is required to join investigation and recovery is yet to be effected. His anticipatory bail petition deserves dismissal.

Considering the gravity of offence, regular bail petition bearing CRM-M-32945-2024 filed by petitioner Manish Sharma be also declined.

6. I have considered the arguments and have gone through the

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record carefully. Facts of the case as referred above indicate that firstly incident took place at Toll Plaza Solkhian regarding over taking of car. Thereafter, present petitioner along with his companions who were called on telephone stopped the vehicle of complainant where scuffle took place. Petitioner Surinder Singh who is Patwari by profession is attributed fist blow and *kada* blow on the head of Rakesh Kumar, as a result of which he fell down on road. He suffered head injury. It is further claimed that petitioner Surinder Singh also took away keys of the car of complainant and all assailants managed to escape. Present petitioner cannot claim any special status being posted as Patwari. Serious blow is attributed to him. Said *kada* is yet to be recovered. Considering the medical record, Rakesh Kumar suffered serious head injury which is evident from status report as well as medical record of PGI, Chandigarh and Max Healthcare. Injured is still serious and because of his condition, till date his statement could not be recorded. Therefore, considering the aforesaid facts, **petitioner Surinder Singh is not entitled to be released on anticipatory bail and his anticipatory bail petition is accordingly dismissed.**

7. Petitioner Manish Sharma has filed regular bail petition bearing CRM-M No. 32945 of 2024. It is confirmed in the status report that he was arrested on 24.06.2024 and was sent to judicial custody. As per the facts referred above, he is not attributed specific role. Since, petitioner Manish Sharma has joined the investigation and is not required for any other purpose, therefore, **his regular bail petition bearing CRM-M No. 32945 of 2024 is allowed.** He is ordered to be released on bail on furnishing his bail bonds and surety bonds to the satisfaction of Illaqa Magistrate/Duty

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Judge concerned.

8.           The petitions are accordingly, disposed of.
9.           Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

31.07.2024  
*lalit*

(AMARJOT BHATTI)  
JUDGE

Whether speaking/reasoned:  
Whether reportable:

Yes/No  
Yes/No