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

CRM-M-53510-2024 (O&M)

Date of Decision:- 31.01.2025

Surinder Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. Harmanpreet Singh Mander, Advocate
for the complainant.

AMARJOT BHATTI, J.(Oral)

1. Petitioner – Surinder Singh has filed petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in FIR No. 97 dated 03.06.2024 (Annexure P-1) under Sections 308, 323, 506, 379 and 341 of Indian Penal Code, 1860, registered at Police Station Rupnagar City, District Rupnagar.

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 counsel for petitioner argued that Surinder Singh is in custody since 03.08.2024. Investigation has already completed. Challan has been presented and prosecution evidence is going on. Even otherwise petitioner was not actually the aggressor party at first instance. In-fact, he was pushed and beaten up by complainant and his friends when car of petitioner overtook their car. Later on, petitioner told his brother Varinder to stop complainant's car and ask them why they have assaulted his brother and upon this a free fight broke out between two parties in which there were around four persons from each side. There was no intention to cause any injury. No offence under Section 308 of IPC is made out. Entire incident was captured on video. One Pendrive was also placed on record, which is Annexure P-2. Petitioner has only given one fist blow to victim



and while doing that *kada* of petitioner hit on the head of victim, as a result, he fell down and due to fall on the ground he received injury. At this stage, statement of complainant has been recorded. No purpose would be served by keeping him behind the bars. He is ready to abide by terms and conditions of bail order. Therefore, regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State assisted by learned counsel for complainant. In status report, it is confirmed that after completion of investigation, challan is already presented against present petitioner and other co-accused. Trial is going on. Present petitioner is specifically named and fatal blow was given by present petitioner on the person of victim who is still undergoing treatment. It is confirmed that even at present said victim i.e. father of complainant is not in a fit state to give his statement.

Learned counsel for complainant strongly opposed regular bail petition filed by petitioner taking the stand that victim is still in comma, as a result there are further medical complications. It was petitioner and his companions who were aggressors. Considering the facts and gravity of offence, petitioner is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record carefully. Facts of the case indicate that on 02.06.2024, complainant Tanish Kumar alongwith his father Rakesh Kumar and friend Gurbachan Singh were going on their Toyota Etios car bearing registration No. PB-12-AA-0107 from Landra (Mohali) to Nangal and when they reached near Toll Plaza Solkhian, present petitioner travelling in car bearing registration No. PB-71A-9763 started arguments. Thereafter, complainant claims that



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he asked for apology but near Police Line, Rupnagar, their car was stopped and were attacked by present petitioner and his companions. In this occurrence, father of complainant namely Rakesh Kumar suffered head injury and said blow is attributed with *kada* to present petitioner. Fact remains that father of complainant is still under treatment and is in comma, as a result statement of Rakesh Kumar could not be recorded. Trial in this case is going on which is at initial stage. Only statement of complainant Tanish Kumar PW-1 has been recorded. Statements of other eye witnesses are yet to be recorded. Considering the manner in which occurrence took place, its consequences and gravity, I do not find a fit case for grant of regular bail and petition filed by present petitioner Surinder Singh is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

31.01.2025

*lalit***(AMARJOT BHATTI)**
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No