

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9392-2025
Reserved on: 01.08.2025
Pronounced on: 26.08.2025

Rakesh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ashutosh Pandey, Advocate and
Mr. Ama Sapia, Advocate for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	27.06.2019	Division No.7, District Ludhiana Punjab	307, 332, 353, 148, 149, 186, 224, 436, 427 IPC (Section 120-B IPC and 52-A of Prisons Act added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per Note 6 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“From Superintendent, Central Jail, Ludhiana. To Station House Officer Police Station Division No. 7. Ludhiana. No 5630 dated 27-6-19. On dated 27-06-2019 at around 11:00 when the guards posted in security zone started to take out a detainee locked there for appearance through video conferencing. Then Gangsters locked in high security zone namely Gagandeep son of Babu Ram, Ghanaiya son of Hira Lal, Ranveer son of Sukhdev, Harinder son of Inderjit, Bhupinder son of Jarnail Singh, Buta Khan son of Ruldu Khan attacked the guards and started saying that in the night Jail Administration has killed a prisoner. The guard tried to stop these prisoners from going out of the high security gate, but due to the large number of gangsters, they overpowered the guard and pushed the guard to get out of the hands of the gangsters. After that, these

gangsters formed small groups and dispersed in the rest of the area of Jail and the rest of the prisoners who were locked up in prisons, amongst which Prisoner Babu who was locked in Reception Block, Prisoner Gaggu who was locked in Center, Prisoner Visahal son of Rakesh, Pankaj son of Ved Pal, Sunil son of Babu Ram, Ajit son of Harjinder, Sarvan son of Surjit, Ranjit son of Chanchal, Gurjant son of Gurnam, Romis son of Ravi. Karamjit son of late Chand, Jaita son of Nawab and many other prisoners who will be identified later, who played a major role in instigating the crowd and alleged allegations on the Jail Administration that the Jail Administration has killed a prisoner by not providing him treatment. At the same time, they gathered their fellow prisoners who were confined in different barracks of the jail and attacked the officials deployed at different barracks of the Jail and took them under their control. Seeing these circumstances, the Superintendent Jail and other officers went to talk to the prisoner inside the jail. During which the gangster prisoners and other mischievous prisoners attacked with bricks/stones. The above-mentioned gangsters took the prisoners of jail along with them and also attacked the Superintendent Jail. During which, with the help of the Superintendent Jail Guard, they entered with great difficulty under the attack of bricks and stone. Meanwhile, Sulam Chandra Arora, Deputy Superintendent of Police Security and Rajinder Singh, Deputy Superintendent of Police Security, posted in the jail, have organized a lecture for the convicts and prisoners to improve themselves and become better human beings in the lecture hall inside the jail. That after listening the siren inside the jail, Government vehicle number PB08 GH 2862 Xylo along with gunmans were coming towards the Kallu Gate then the gangsters along with prisoners also attacked on them with bricks and stones. That during this, injuries were Deputy Subhash Chandra Arora, caused to Superintendent of Police Security, Rajinder Singh, Deputy Superintendent of Police Security, Warder Shiv Charan, Constable Parminder Singa, who ran towards Chakkar room in order to save their lives and locked themselves in the room. That the prisoners gathered did not stopped there, they broke the computer and other official equipment lying in the room, and the rickshaw, tractor and Government vehicle number PB08 CH 2882 those were parked there were also set to fire by igniting gas cylinders and throwing them on to the vehicles. Due to which Xylo jeep, tractor Jitter and one's rickshaw and the record room were caught with fire. That during this, DSP security and other staff somehow managed to get out of there after saving their lives, after that the gathered prisoners set fire to the circular room by throwing gas cylinders into the room and set fire to everything lying there. Then these gangsters formed a big group with other mischievous prisoners, which included about 700 prisoners, and took gas cylinders in the jails and set them on fire and threw them at different places. With the blast of which the main gate of Satter Block got opened. Apart from this, these prisoners also set fire to the other walls of the jail by exploding it with gas cylinders. In which a total of 10 gas cylinders exploded. After that, a group of gangsters and other prisoners attacked the main gate of Diuri and tried to break the main gate of Diuri. These prisoners also blast up the tower number 14 of

the jail with a gas cylinder and meanwhile four prisoners Rakesh Kumar son of Chaman Lal Qayum Khan son of Talabdin, Karamjit son of Jarnail and Karamjit son of Darshan jumped over the prison wall. They ran outside and were caught by the police on the spot. At the same time, some prisoners started trying to escape by climbing over the wall adjacent to Ladies Jail and some prisoners tried to climb over the wall towards the meeting room, so I repeatedly warned them not to do so through the speaker. But the prisoners ignored my warning and continued to vandalize and throw stones over the staff and try to run away by jumping over the jail wall. I ordered the prison guard to fire in the air to scare the prisoners, on which the officers stationed tried to control the prisoners by firing in the air, but the prisoners did not stop and kept trying to cross the prison wall. Similarly, Police Control Room Commissionerate Ludhiana was called and asked to send District police to the police jail to control the situation. That in order to control the situation, Jail Guard had to do more firing so as to control the situation. On the arrival of the District police, they tried to lock the prisoners in their respective barracks but failed as the petitioners did not stop throwing the stones, due to which tear gas and batons were charged and the prisoners were locked in their barracks. Meanwhile, some of the prisoners who were attacking the police were injured who were sent to the jail hospital for treatment. A prisoner Ajit son of Harjinder Singh who was mainly attacking the jail employees along with gangsters and prisoners was shot by the police. Dr. Sahib declared him dead and sent his body to Civil Hospital Ludhiana for post-mortem and some prisoners were referred to Civil Hospital Ludhiana for treatment. They were sent to Civil Hospital Ludhiana in Ambulance for treatment. Meanwhile, jail employees Assistant Superintendent Baldeep Singh, Assistant Superintendent Anil Bhandari, Head Warder Makhan Singh, Head Warder Gurjit Singh, Warder Sandeep Raj, Warder Nahar Singh, Deputy Superintendent Security Police Mr. Rajinder Singh, Warder Shiv Charan, Constable Dharminder Singh, Deputy Superintendent Security Mr. Subhash Chandra who were badly injured due to hitting by bricks and several officers/employees of the District Police who got injured are undergoing treatment in various hospitals. That by counting all the prisoners barrack wise and checking the number of prisoners according to the record, if any prisoner is less then it will be sent in writing separately. Keeping in view the above mentioned circumstances, it is written to you that an FIR should be registered and the investigation should be carried SD/ SS Superintendent Central Jail, Ludhiana."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a

sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail.
7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing.
8. Per paragraph 2 of the bail petition, the petitioner has been in custody since 27.06.2019. Per the custody certificate dated 31.07.2025, the petitioner's total custody in this FIR is 06 years, 01 month and 03 days.
9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.
10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.
11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.
12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.
14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and

circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

17. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a

sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.08.2025
Jyoti Sharma

Whether speaking/reasoned : Yes
Whether reportable : No.