

CRM-M-40922-2024 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-40922-2024 (O&M)

Date of Decision: 29.08.2024

Ramesh Lal @ Harmesh Lal

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vishal Thakur, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

**SUMEET GOEL, J. (Oral)**

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.132 dated 27.05.2024, registered for the offences punishable under Sections 425, 354, 324, 34 and 120-B IPC (Sections 452, 326 and 307 of IPC added and Section 425 of IPC deleted later on) at Police Station Model Town, Hoshiarpur.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*"Statement of Rohit son of late. Mohan Lal, resident of Hardokhanpur, police station model town, district Hoshiarpur, aged about 17 years, mobile number 9888153616, stated that I am resident of above said address. On 25.5.2024, I was present in the house with my mother Geeta Rani, in the meanwhile 10:00 AM, my neighbour Harry son of Ramesh Lal armed with Kirpan, Ramesh Lal, son of unknown, armed with Kirpan, Honey son of Mangu, armed with Baseball, entered in my house. After entering in the house, Harry gave blow of kirpan on my head with intention to kill me, then I put left hand to save myself, as such the same hit on the palm of my left hand.*

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*Thereafter, Ramesh Lal gave a blow of kirpan, which hit on my elbow of right arm. I raise alarm "bachao bachao", and after hearing my noise, my mother came forwarded to save me, then above said Honey, torn t-shirt from the neck which was wear by my mother and he also gave blow of baseball on the back of my mother. We both raise alarm and all the accused fled away from the spot alongwith their respective weapons. After arranging the vehicle, my mother got me admitted in the civil hospital in injured condition as too much blood was oozing. After seeing my condition, the doctor referred me to PGI Chandigarh, as such my mother got me admitted in Sun Rise Hospital at Amritsar, where I am under treatment. The motive behind the occurrence is that earlier an scuffled was taken place between me and our neighbour Bhinda son of Ghuggi, but due to the intervention of the respectable the matter was compromised between us, as such due to above said reason, Bhinda had manage to give injuries to me through above said persons. The legal action be taken above said person. I have get recorded my statement in the presence of my mother Geeta Rani. I have read and heard the statement, which is true and correct. SD/- Rohit, attested Geeta Rani, attested Ashok Kumar ASI, police station Model Town, Hoshiarpur, Dated 27.5.2024."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.05.2024. Learned counsel for the petitioner has submitted that, as per the case of the prosecution, the petitioner is stated to have given a blow of kirpan on elbow of right arm of the injured. Learned counsel for the petitioner has further submitted that a perusal of the petitioner's bail rejection order passed by the Sessions Court reflects that the petitioner gave a kirpan blow on head of complainant with intention to kill him but in order to ward off the said blow, the complainant raised his left hand and the said blow of kirpan hit on his palm. Learned counsel for the petitioner has further submitted that the offence under Section 307 of IPC is not made out against the petitioner in the factual matrix of the case. Learned counsel for the petitioner has further submitted that there is a dispute between the petitioner and the complainant-side as they are living in

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the same locality & hence the petitioner has been falsely implicated into the FIR in question. Thus, the regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 29.05.2024. The rival contention of the learned counsel for the parties; as to whether the injury in question attributed to the petitioner would invoke the Section 307 of IPC or not & as also whether the petitioner has been falsely implicated into the FIR in question on account of dispute between the petitioner and the complainant-side; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence/investigation. As per the custody certificate dated 28.08.2024 filed by the learned State counsel, the petitioner has suffered incarceration for about 03 months & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.

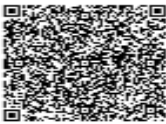
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concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.



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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**29.08.2024**  
*Jasmine Kaur*

**(SUMEET GOEL)**  
**JUDGE**

|                           |     |    |
|---------------------------|-----|----|
| Whether speaking/reasoned | Yes | No |
| Whether reportable        | Yes | No |