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

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CRM-M-7514-2025 (O&M)
Date of decision: 09.12.2025

Rataneshwar Singh @ Rajvir Singh @ Kajama**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. J. S. Jaidka, Advocate
For the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 103 dated 06.12.2023, registered under Sections 307, 160, 338, 323, 341, 506, 148 and 149 of IPC and Sections 25 and 27 of the Arms Act, 1959 at Police Station Daba, District Police Commissionerate Ludhiana.

2. The aforementioned FIR was registered on the basis of a secret information received by SI Kulbir Singh to the effect that a confrontation had taken place between two rival groups at Simran Palace near Lohara Bridge on 06.12.2023 and in that altercation, the present petitioner along with his accomplices was likely to create a law & order situation by attacking members of the rival group. Believing the secret information to be reliable, complainant SI Kulbir Singh accompanied by other police officials reached at the informed place and heard noises of firing gunshots. One

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Kuldeep Singh Kohli, member of the rival group, had sustained firearm injury, which was stated to have been caused by the petitioner. The petitioner was nominated as an accused. The petitioner was joined into investigation of this case on 24.07.2024. He was in custody in some other case and had suffered disclosure statement admitting his involvement in this case and had got recovered the weapon of offence in that very case. Other co-accused have also been arrested and some of them are yet to be apprehended. Investigation qua the petitioner stands concluded. He along with other co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the secret information. No one had filed any complaint against him. The firearm injury allegedly sustained by victim Kuldeep Singh Kohli was caused by him, however, said Kuldeep Singh Kohli has not recorded any statement before the police so far. Rather, in this very case, the said victim was nominated as an accused. The ingredients for commission of offence punishable under Section 307 of IPC are not attracted qua him at all. Trial will take considerable time to conclude as even charges have not been framed so far. His continued detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report as well as the custody certificate of the petitioner has been filed by the respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. He is a habitual offender since several other cases have been pending against him.

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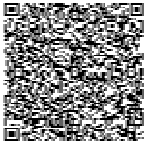


There are chances of his intimidating the witnesses or committing similar offences, if released on bail.

5. This Court has heard the rival submissions.

6. The petitioner by forming membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly is alleged to have caused a firearm injury to Kuldeep Singh Kohli, who has also been nominated as accused in this case, with an intent to cause his death. He is also alleged to have voluntarily caused other injuries and criminally intimidated the above named Kuldeep Singh Kohli. However, Kuldeep Singh Kohli has not even chosen to record any statement before the police against the petitioner. Rather, he too has been nominated as accused. Trial is also likely to take time to conclude as even charges have not been framed so far. It is only on the basis of the evidence to be produced during trial that any conclusion can be drawn that the petitioner had committed offences punishable under Section 307 of IPC or not? Taking into consideration the above discussed facts, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore and a case for his release on bail has been made out. It is well settled proposition of law that the bail is the rule and jail is an exception. His involvement in other cases cannot be made a ground for denying him this benefit. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other

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subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

09.12.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No