

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

CRM-M-7189-2025
Reserved on: 18.03.2025
Pronounced on: 25.03.2025

Rattan Kumar @ Rattan Lal @ Radhe @ Ratta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

Mr. Askshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
122	11.08.2023	Sadar Hoshiarpur, District Hoshiarpur	452/323/324/341/506/34 IPC (Section 325 IPC 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. In paragraph 15 of the bail petition, the accused declares that he has no criminal antecedents, however, per paragraph 10 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	24	15.03.2021	21/61/85 of NDPS Act	Patara, Jalandhar Rural

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

“2. That it is humbly submitted that FIR No. 122 dated 11.08.2023 Under Sections 452, 323, 324, 325, 341, 506 34 of the IPC was registered at Police Station Sadar, District Hoshiarpur against the petitioner- Rattan Lal @ Radhey @ Ratta, Akashdeep and Sunil Kumar on the statement of complainant that he is working at Matrix Saloon near Petrol Pump, Court Road, Hoshiarpur. His parents had expired. He is keeping his residence with his uncle and aunt. On BY Dhaba Shergarh Road, Hoshiarpur. The petitioner- Rattan Lal @ Radhe 31.07.2023, it was his birthday, therefore, he thrown one party to his friends at ‘JP Dhaba’ Shergarh Road,

Hoshiarpur. The petitioner- Rattan Lal @ Radhe @ Rattan, Sunil Kumar & Akashdeep his friends were also invited. After all the friends of injured have arrived at the venue at about 9:00 PM, thereafter at about 11:30 PM, he cut birthday cake, in presence of above named friends and others. After the party was over, all his friends went back to their home. At about 12:00 (midnight), injured also came back to his house and was lying on the bed in a room. After half an hour, his friend namely Sunil Kumar (co-accused) came to his room and woke him up and told that Akashdeep (co-accused) and petitioner-Rattan Lal have come out of the house to see him, therefore, to come out the house as they wanted to discuss something urgent with him. Thereafter, Sunil Kumar (co-accused) caught hold injured from his arm and took him to the persons standing outside the house and then he slipped away from the spot. The petitioner-Rattan Lal was armed with Kirpan, Akashdeep (co-accused) armed with datar. First of all, Akashdeep (co-accused) gave datar blow on the left side of his hand. The petitioner-Rattan Lal also gave kirpan blow on the left side of his hand. Thereafter, Akashdeep (co-accused) gave datar blow on the back side of the head of injured. The petitioner-Rattan Lal gave two kirpan blows, one hit on the left wrist and second hit on the left side of the waist. Akashdeep (co-accused) gave datar blow on the little finger of his right hand and left leg. The blood started oozing out of the head of injured. Therefore, he ran away towards his house. At that time Akashdeep (co-accused)) after entering into the house again gave datar blow on the backside of the head of injured. The petitioner-Rattan Lal gave kirpan blow which hit on the right side of the head of injured. The above named assailants have also gave brick bats blows to injured. The injured raised alarm, upon which his uncle came out and at that time the assailants fled away from the spot.”

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 State’s counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF PETITIONER:

9. *That it is submitted that the petitioner and others caused total 9 injuries to the complainant. The petitioner caused injuries with Kirpaan on the left side of head which was declared as grievous in nature. The petitioner also caused injuries with Kirpaan on left wrist, left side of the waist and on the right side of the head of the injured. There was fracture of occipital bone seen on the right side and small forms of air seen at fracture side. Therefore, the present petition is liable to be dismissed.”*

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 12 of the bail petition, the petitioner has been in custody since 07.11.2024 and his total custody in this FIR is more than 04 months.

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. 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.

16. *This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.*

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

18. 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.

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

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.