



CRM-M-27372-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27372-2025
Date of decision: 03.07.2025

Resham Lal ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

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

Mr. Yajat Gill, Advocate
for the victim.

ANOOP CHITKARA, J.

| FIR No. | Dated | Police Station | Sections |
|---------|------------|---------------------------------------|--|
| 53 | 16.04.2025 | City Balachaur, District SBS Nagar | 132/221/194(2)/62/191(2)/ 190 of BNS 2023 |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents. However, per paragraph 7 (J) (page No.11) of the status report filed by the State, the accused has the following criminal antecedents:

| Sr. No. | FIR No. | Dated | Offenses | Police Station |
|---------|---------|------------|--|----------------|
| 1 | 40 | 17.04.2025 | 115(2)/ 118(1)/ 117(2)/ 190/ 191 of BNS, 2023 | Kathgarh |

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

“2. That at the very outset, it is respectfully submitted that during the night of dated 15.04.2025, an information regarding a clash between two parties reported at Police Station Kathgarh for which ASI Manoj Kumar of Police Station Kathgarh along with police party reached Civil



CRM-M-27372-2025

Hospital Balachaur on dated 16.04.2025 and received 06 MLRs bearing Nos. RS/32/2025 of Pooja Devi, MLR No. RS/33/2025 of Harmesh Lal of first party and MLR No. RS/34/2025 of Reena Rani, MLR No. RS/35/2025 of Siya, MLR No. RS/36/2025 of Navish and MLR No. RS/37/2025 of Kishna Devi of second party from the Civil hospital authority. It is submitted that ASI Manoj Kumar recorded the statement of Pooja Devi in connection with MLR No. RS/32/2025 in which she stated that on dated 15.04.2025 at about 07:30 PM, when she was present in her home and on hearing noise she came out of her house and saw that petitioner Reena Rani along with Resham Lal Kalu and other 4 to 5 unidentified persons were arguing with the son of her paternal father in law namely Gagandeep son of Harmesh. Then Gagandeep afraid from them and ran away from the spot but petitioner along with afore mentioned persons attack on Pooja Devi with their weapons i.e. dandas and Khanda patti. The complainant further alleged that during this attack, Resham @ Kalu gave blow of his khanda patti on her upper left arm on which she fell on the ground and after that petitioner Reena Rani gave two blows of her danda on complainant's back and hip and they also started beating his father in law Ramesh Lal and gave several injuries to him also. On which they shouted hue and cry and thereafter the petitioner along with other accused persons ran from the place of occurrence.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that 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:

“The role of the petitioner:-

The petitioner and her wife Reena Rani called some other persons to Civil Hospital Balachaur where they dragged the victim Ramesh during his treatment emergency ward and beaten them there. With this act, she along with other accused persons laid obstacle in the discharging of the duty of doctors and medical staff and formed unlawful assembly there. Due to their attack on second party in emergency ward of Civil Balachaur; Hospital the atmosphere of terror created in whole hospital and medical staff deployed in emergency ward started hiding in one room or the other to save themselves from the petitioner party.”

7. Allegations against the petitioner are that he along with his wife created obstacles in discharging of the duty of doctors and medical staff. This Court wants to afford an opportunity to the petitioner to course correct.



CRM-M-27372-2025

8. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked 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 custodial interrogation or the pre-trial incarceration at this stage. 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.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. 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) | |

12. This order is subject to the petitioner's complying with the following terms.

13. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section



CRM-M-27372-2025

prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

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

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

17. 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.

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

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.