

CNR No. PBRO010028242025



Case No. BA/755/2025

Presented on : 15-05-2025

Registered on : 15-05-2025

Decided on : 23-05-2025

**IN THE COURT OF MOHIT BANSAL
ADDITIONAL SESSIONS JUDGE, RUPNAGAR
(UID No.208)**

Rahul Kumar @ Rahul Vs. State of Punjab

FIR No.144 dated 24.07.2024
U/s: 132, 121, 221, 351(2), 20, 191(3), 190
of BNS and Section 4 of PDPP Act.
P.S: City Rupnagar.

Present: Sh. Sheikhar Shukla Advocate, Ld. Counsel for applicant-
accused Rahul Kumar @ Rahul.
Sh. Vijay Kumar, Ld. APP for the State/respondent along
with SI Subhash Chander No.914/R, PS City Rupnagar.

ORDER

1. Notice of the instant bail application under Section 483 of BNSS, filed on behalf of the applicant-accused Rahul Kumar @ Rahul, was given to the State. Sh. Vijay Kumar, Ld. Addl. PP appeared on behalf of the State. Reply to the bail application has not been filed. Police Record has been produced by ASI Subhash Chander No.914/R, PS City Rupnagar .
2. It is averred in the bail application that the applicant-accused has falsely been implicated in the present case. The accused is in custody since May 2023 in FIR No.29/2023. The Police have involved him in a false case on the asking of complainant. No alleged occurrence occurred between accused and the complainant. The applicant is innocent and has committed no offence. With these averments, a prayer for allowing the instant bail application, has been made.

3. The Learned Counsel for the applicant-accused has submitted that the applicant has been falsely implicated in the present FIR. The Learned Counsel has referred to the FIR where it has been mentioned that 100 jail inmates had gathered. The Learned Counsel has submitted that only 7/8 accused have been identified, who had opposed the wrong doing in the jail. Upon this, a prayer for allowing the instant bail application, has been made.

4. On the other hand, the Learned APP for the State, has submitted that applicant-accused has been identified from the CCTV footage and he was arrested accordingly in the present case on 06.03.2025. The Learned APP has submitted that the instant bail application does not deserve to be allowed and same may be dismissed.

5. I have heard the rival submissions and perused the record carefully.

Brief Facts of the FIR

6. The present FIR has been registered on the basis of statement dated 24.07.2024 of Balwinder Singh, Assistant Superintendent, District Jail, Rupnagar, wherein he has stated that on 24.07.2024 at about 09:30 A.M, he was on his duty in the jail. About 100 convict/under-trial came out from Barrack No.1 and started gathering in front of Barrack No.1. Ashish Kumar Assistant Superintendent, District Jail, Rupnagar asked them not to get together, then some inmates caused damage to under-trial barrack, cell block and canteen and video conferencing room and also took away articles from canteen. Thereafter, the said inmates broke the lock and open

the cell block and tried to rescue the gangsters and convicts. Ashish Kumar, Assistant Superintendent, District Jail, Rupnagar and jail guards tried to stop them, then the inmates attacked the police officials with bricks and sticks. Ashish Kumar, Assistant Superintendent, District Jail, Rupnagar, Jail Warden Sandeep Kumar and Gagandeep Singh suffered minor injuries. The inmates by doing so have caused obstruction in the duty of public servants and also caused huge damage of the jail property. The complainant has further stated that the inmates had earlier threatened to get their illegal demands fulfilled of taking gas cylinder inside the jail premises. The local police was called to control the jail inmates. The names of the inmates shall be disclosed after being identified from CCTV footage.

7. On the basis of this statement, the present FIR was lodged under Sections 132, 121, 221, 351(2), 191(3), 190 of BNS and Section 4 of PDPP Act.

Conclusion

8. As per FIR itself, it has been mentioned that the police officials received minor injuries. Thus, there is no allegation of any grievous hurt caused to any public servant. The applicant-accused Rahul Kumar is in custody since 06.03.2025 in the present FIR. Keeping in view the principle that bail is rule and jail is an exception, the instant bail application, filed on behalf of the applicant-accused Rahul Kumar @ Rahul deserves to be allowed and is accordingly allowed. As such,

applicant-accused Rahul Kumar @ Rahul is ordered to be released on bail on his furnishing personal bonds in the sum of Rs.25,000/- with one surety each in the like amount to the satisfaction of Ilaqa/Duty Magistrate, with the condition that applicant-accused shall neither leave the country without prior permission of the Court nor he shall tamper with the witnesses of the prosecution and he will appear before the learned Trial Court on each and every date of hearing. The instant bail application stands disposed of accordingly.

9. Any observation made herein is limited for the purpose of deciding of the present bail application.

10. The police file be returned. A copy of this order be forwarded to the learned Trial Court for compliance.

11. Police Record be returned. Papers of the bail application be consigned to the Judicial Record Room, Rupnagar after due compliance.

Pronounced in the open Court
Dated: 23.05.2025.

Anis STG-II

(Mohit Bansal)
UID NO.PB0208
Addl. Sessions Judge
Rupnagar.