

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Reserved on: 05.09.2024
Pronounced on 26.12.2024**

Case No.:- CRM(M) No. 466/2024
c/w
CRM(M) No. 159/2024
CRM(M) No. 206/2024

CRM(M) No. 466/2024

Ajay Kumar Sareen aged 27 years, son of Sanjeev Kumar Sareen resident of H. No. 63, Gali Khilonia, Pacca Danga, Jammu.

.....Petitioner(s)

Through: Mr. P.N. Raina, Sr. Advocate with Mr. J.A. Hamal,
Advocate.

Vs

1. The U.T of Jammu and Kashmir through the Senior Superintendent of Police, Range, Jammu.
2. The Station House Officer, Police Station, Janipur, District Jammu.
3. Ragini Rajput W/o Sh. Rohit Krishan Bhat R/o H. No. 37 Sector-4, Lower Roop Nagar, Jammu

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG for R-1 & 2.
Mr. Rahul Pant, Sr. Advocate with
Mr. Aditya Badyal, Adv. for R-3.

CRM(M) No. 159/2024

1. Anmol Slathia, age 27 years, S/o Rakesh Singh Slathia, R/o H. No. 239, Raj Patana Gali, Purani Mandi, Jammu.
2. Manik Gupta, age 30 years S/o Tarsem Gupta R/o H. No. 55 Partap Garh, Jammu.

.....Petitioner(s)

Through: Mr. Gagan Basotra, Sr. Advocate with Mr. Sachin
Gupta, Advocate.

Vs

1. U.T of Jammu and Kashmir through In-charge Police Station, Pacca Danga, Jammu.
2. Rekha Rani Sareen, W/o Sanjeev Kumar Sareen, R/o Gali Khilona, Pacca Danga, Jammu.
3. Ajay Kumar Sareen S/o Sanjeev Kumar Sareen, R/o Gali Khilona, Pacca Danga, Jammu.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG for R-1.
Mr. P.N. Raina, Sr. Advocate with Mr. J.A. Hamal,
Advocate for R-2 and 3.

CRM(M) No. 206/2024

Rohit Krishan Bhat, age 38 years S/o Ram Krishan Bhat, R/o H. No. 37, Lower Roop Nagar, Jammu.

.....Petitioner(s)

Through: Mr. Gagan Basotra, Sr. Advocate with Mr. Sachin Gupta, Advocate.

Vs

1. Union Territory of Jammu and Kashmir, through In charge Police Station, Janipur, Jammu.
2. Ajay Kumar Sareen S/o Sanjeev Kumar Sareen R/o Gali Khilona, Pacca Danga, Jammu.

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG for R-1.
Mr. P.N. Raina, Sr. Advocate with Mr. J.A. Hamal,
Advocate for R-2.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

JUDGMENT

1. A final police report, known in popular practice & parlance as challan, under section 173 of the Code of Criminal Procedure, 1973 (now corresponding to section 193 of the Bharatiya

Nagarik Suraksha Sanhita, BNSS, 2023) being an outcome of a police investigation if presented bearing lame and loose-end facts based narrative for cognizance and trial purpose before a criminal court, then same renders itself self-exposed to suffer a reality check, sooner than later, be it before the very criminal court before which it gets presented and filed or even when same happens to come under scanner of this court's inherent jurisdiction reserved under section 482 of the Code of Criminal Procedure (Cr.P.C), 1973 [now corresponding section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023]. The principle which comes to and must come to checkmate a criminal case bearing such an underlying perverted police investigation is that administration of justice and ends of justice are meant to be served and saved at all costs from suffering frustration and becoming a casualty.

2. The present three cases are live exhibit of an abuse of process of law with relish by resort to unabashed fabrication of and flirtation with facts at the end of the protagonists involved in said three cases, and equally nursed and prompted by dereism of investigative approach by the Police Station Janipur, Jammu, acting and conducting as if investigation of a criminal case is an exercise in theatrics with superficiality involving set standard compilation of papers by stitching of bunch of so called examinational statement/s of person/s to be cited as prosecution witness/es, seizure memo/s, arrest memo/s etc.,

least mindful and bothered as to whether purported fact/s, as stated in a final police report and supporting witnesses' statement/s, is/are leading and connecting, immediately and/or intermediately, with relevant fact/s to present a coherent and cohesive factual narrative demonstrating not only the commission of offence/s but also culpability of person/s found and presented as accused to stand trial.

3. The present three cases, i.e., **CRM(M) No. 159/2024** filed by Anmol Slathia & Manik Gupta, **CRM(M) No. 206/2024** filed by Rohit Krishan Bhat, and **CRM(M) No. 466/2024** filed by Ajay Kumar Sareen, all seeking and invoking inherent jurisdiction of this court under section 482 Cr.P.C, have a purported shared factual chronology and as such the purported fact line related and leading to the institution of the said three cases needs to be set out first before coming to deal with adjudication of the said three petitions.
4. This Court would track and follow facts and circumstances, in terms of reference, by the chronology in which same have happened or alleged to have happened and taken place so as not to lose the sense of script underlying said three cases and the adjudication to be arrived at.
5. This Court is taking liberty of referring to the parties figuring in said three cases, petitioner wise and respondent wise, by their names otherwise it would be confusing to figure out who's who. Ajay Kumar Sareen is **the petitioner in CRM(M)**

No. 466/2024, Ragini Rajput **is the respondent No. 3 in CRM(M) No. 466/2024**, Rohit Kumar Bhat **is the petitioner in CRM(M) No. 206/2024** and whereas Ajay Kumar Sareen is also the respondent in CRM(M) No. 206/2024 and Anmol Slathia and Manik Gupta, are the **petitioners in CRM(M) No. 159/2024**.

6. **Ajay Kumar Sareen** is said to be a probationary Public Prosecutor (PP) and also selected to be Civil Judge (Junior Division) though not yet appointed.
7. Ajay Kumar Sareen, came forward with a registration of FIR No. **20/2024** dated **23.01.2024** with the Police Station of Janipur, Jammu.
8. FIR No. 20 of 2024 was registered on the basis of a self-written complaint by Ajay Kumar Sareen. The contents of said FIR are reproduced herein so as to self-state its narrative and perspective: -

“To

SHO Police Station Janipur

Subject: Lodging of FIR against Rohit Bhat S/o R K Bhat R/o Paloura, Jammu Mob No. 9086781690 as he tried to kill me

Sir. With due respect I want to state that I was on my way back from lower Roop Nagar after some work to my home along with my friend Akshay Kumar S/o Darshan Kumar R/o Purani Mandi Jammu on his Scooty Activa bearing No. JK02BT-2124 when I reached nearby Ladakhi Hostel, suddenly one Mr. Rohit Bhat S/o R.K. Bhat R/o Paloura Jammu came on Scooty and stopped my way and attached me with

something like iron kada on my head and started beating me mercilessly in order to kill me whereas people from nearby came and they along with my friend saved my life from him and I ran away and later informed the Police about the incident and they took me to Sarwal Hospital and now I have come to this Police Station from hospital. I was unconscious. Kindly lodge necessary FIR against the said person as I am feared of being killed by him and oblige.

Yours Sincerely Ajay Kumar Sareen S/o Sanjeev Kumar Sareen R/o 63, Gali Khilonia, Pacca Danga Jammu (7006677084) Dt:- 23.01.2024.”

9. In the FIR No. 20/2024, Ajay Kumar Sareen, does not identify as to who actually is Rohit Bhat S/o R.K. Bhat R/o Paloura Jammu, a stranger or a known person, being accused of allegedly coming to assault him leaving him injured and what is the background in the context of which said Rohit Bhat ventured to commit criminal wrong against the person of Ajay Kumar Sareen.
10. Furthermore, in the FIR No. 20/2024, Ajay Kumar Sareen even missed to divulge the time of alleged incident involving physical aggression and assault upon his person by said Rohit Bhat. Thus, said FIR reporting came to take place with deficient input of some very essential facts which otherwise ought to have come unsolicited from Ajay Kumar Sareen, particularly when he himself is a Public Prosecutor well knowing the importance of true and timely disclosure of facts.

11. FIR No. 20 of 2024 of the Police Station Janipur came to be assigned by the SHO to ASI Mohi-Din for investigation.
12. The registration of said FIR No. 20/2024 came to take place on 23.01.2024 at 10.20 p.m. whereas the alleged incident, as per the said FIR as noticed already, had taken place without any mention of time.
13. Thus, for the intervening period of the alleged incident and registration of FIR No. 20 of 2024 on 23/01/2024, Ajay Kumar Sareen, is reported to have been first taken to Sarwal Hospital by SPO Surinder Kumar of the Police Station Janipur whereupon an MLC Case No. 1275 dated 23.01.2024 was registered for attending upon the injured Ajay Kumar Sareen.
14. It is only after Ajay Kumar Sareen getting medical attention that the FIR No. 20/2024 came to be registered at 10.20 p.m. by the Janipur Police Station on the written complaint of Ajay Kumar Sareen.
15. As per record of said MLC case No. 1275 of 23.01.2024, the time of injury is 3.30 p.m. and time of medical opinion/report is 5.30 p.m. reporting the injury to be simple in nature caused by a blunt object, meaning, thus, the alleged incident must have happened just before or around about 3.30 p.m.
16. On the next day, i.e., **24.01.2024** following the registration of FIR No. 20 of 2024 dated 23.01.2024, Ajay Kumar Sareen came to be examined by the I.O ASI Mohi Din under section

161 of the Code of Criminal Procedure, 1973 (in short Cr.P.C) in which Ajay Kumar Sareen came to state that the alleged incident had taken place at 3.30 p.m.

17. In his statement, Ajay Kumar Sareen did not recollect to state as to by use of which object the assaulter Rohit Bhat had come to cause infliction of injury on Ajay Kumar Sareen's head leaving him getting stitches.
18. In his said statement, Ajay Kumar Sareen comes to divulge that there is some family enmity actuated with which the assaulter Rohit Kumar Bhat mischievously waylaid Ajay Kumar Sareen assaulting and injuring him.
19. Ajay Kumar Sareen came to state that it is his friend-Akshay Kumar, on whose Scooty he (Ajay Kumar Sareen) was pillion riding, and other On-lookers who timely intervened to save him i.e., Ajay Kumar Sareen from the hands of assaulter Rohit Bhat who is referred to be a very strong/evil headed person having no respect for the law.
20. Ajay Kumar Sareen came to introduce mention of some persons in his statement to I.O ASI Mohi Din saying that before the alleged incident, Ragini Rajput had told him (Ajay Kumar Sareen), to speak to her brother Anmol Slathia who is a childhood friend of Ajay Kumar Sareen but he refused to speak to Anmol Slathia on the asking of Ragini Rajput because Anmol Slathia is a drug addict and Ajay Kumar Sareen was maintaining no equation with said Anmol Slathia.

21. Ajay Kumar Sareen further stated that it is Anmol Slathia who tipped-off Rohit Bhat, the assaulter that Ajay Kumar Sareen was on his way to Lower Roop Nagar.
22. Ajay Kumar Sareen in his statement under section 161 of the Code of Criminal Procedure, 1973 further stated to the I.O ASI Mohi Din that in his presence, Ragini Rajput came to get a call from Rohit Bhat and thereafter she left in her vehicle whereafter he (Ajay Kumar Sareen, the petitioner in CRM(M) No. 466/2024) along with his friend Akshay Kumar riding on his Scooty proceeded for his house when upon reaching near Ladakh Hostel, Rohit Bhat came to waylaid Ajay Kumar Sareen and assaulted him leaving him injured with an alleged use of an iron kada.
23. In his entire 161 Cr.P.C. statement recorded on next day of 24.01.2024, Ajay Kumar Sareen had kept mum in disclosing as to what was the relation of Rohit Bhat with Ragini Rajput and which family enmity led Rohit Bhat to assault him.
24. Furthermore, Ajay Kumar Sareen, did not divulge as to how come he was having the knowledge of the fact that Rohit Kumar Bhat was son of R.K Bhat and was a resident of Paloura without mentioning any further particulars as to his residential particulars at least for leading the I.O ASI Mohi Din to confirm the exact identity and location of assaulter/accused Rohit Bhat so as to track and find him.

25. In his statement recorded on 24.01.2024 under section 161 Cr.P.C 1973, Ajay Kumar Sareen did not make any factual reference whatsoever for the notice of I.O ASI Mohi Din that one Anmol Slathia, joined by Manik Gupta, had indulged in any culpable act of omission and commission against his mother, namely Rekha Rani on 23.01.2024.
26. It is more intriguing rather than normal to note that Ajay Kumar Sareen in lodging his hand written complaint which got reduced into FIR No. 20/2024 came to mention Mobile No. 9086781690 of accused Rohit Bhat confirming thereby some previous acquaintance of Ajay Kumar Sareen with Rohit Bhat, the assaulter, was there to the extent of Ajay Kumar Sareen knowing said mobile number of Rohit Bhat but still in his FIR getting registered on 23.01.2024 at 10 p.m., Ajay Kumar Sareen had kept important factual inputs closed to his chest from being disclosed in the FIR thereby presenting a picture which was not supplying full and true facts otherwise well known to Ajay Kumar Sareen at the very time of registration of his complaint as FIR.
27. In the name of investigation with respect to FIR No. 20 of 2024, the I.O ASI Mohi Din, on 24.01.2024, came to examine Ajay Kumar Sareen and prepared a site map of the alleged occurrence without any further investigation of the day.
28. In his examination under section 161 Cr.P.C, Ajay Kumar Sareen came out giving a stretched narrative in connection

with the alleged incident of 23/01/2024 adding that before the incident of assault by Rohit Bhat, Ragini Rajput had verbal engagement with him (Ajay Kumar Sareen) without disclosing whereat this meeting between the two had taken place and what for.

29. Thus, on the basis of the investigation up to this stage of examining Ajay Kumar Sareen, I.O ASI Mohi Din did not have any factual input to work out the actual identity of Rohit Bhat named as the accused in FIR No. 20 of 2024 and also no clue about his whereabouts in the Case Diary of 24.01.2024.
30. This Court has not come across a fact from the Case Diary file that I.O ASI Mohi Din had made any phone call to accused Rohit Bhat at the given phone number as mentioned in the complaint/FIR by Ajay Kumar Sareen.
31. On the other hand, a simultaneous development was taking place on 24.01.2024 in the manner that Rohit Krishan Bhat S/o Ram Krishan Bhat R/o House No. 37, Sector 4 Lower Roop Nagar, Jammu, on his own came to apply for grant of anticipatory bail under section 438 Cr.P.C, 1973 before the Court of Principal Sessions Judge, Jammu by filing an application to said effect through an advocate which came to be transferred to the court of Additional Sessions Judge, Jammu on its file No. 103/2024 wherein in terms of an order dated 24.01.2024, Rohit Krishan Bhat came to be granted interim pre-arrest bail subject to the terms and conditions.

32. There is a certified copy of the said bail application so filed by Rohit Krishan Bhat on file No. 103/2024 before the Additional Sessions Judge, Jammu which leaves this Court wondering as to what was the unstated cause at the end of Rohit Krishan Bhat, the applicant, for suffering an apprehension of registration of a false and frivolous FIR against him that too by identifying the Janipur Police Station and to subject him to suffer arrest meaning thereby Rohit Krishan Bhat, as being applicant in the said pre-arrest bail application, was either fully aware of the incident which was likely to result in registration of an FIR against him that too by the Janipur Police Station and none else or he was so naive that he ventured to act on a misplaced apprehension fed by someone that he was being wanted in a false and frivolous case against him by the Police Station Janipur, Jammu.
33. In his said application for seeking anticipatory bail, Rohit Krishan Bhat did not divulge even by whispering a fact as to whether he had ever received any call/message from the Police Station Janipur to appear before it in connection with an FIR lodged by one Ajay Kumar Sareen for an alleged incident in which one Rohit Bhat s/o R.K. Bhat R/o Paloura stood named.
34. Said Rohit Krishan Bhat came to report himself on 24.01.2024 at the Police Station, Janipur at 18.10 hrs. (6.10

p.m.) and to that effect I.O ASI Mohi Din came to refer his attendance in relation to the investigation of FIR No. 20 of 2024 so lodged by Ajay Kumar Sareen meaning thereby as if I.O ASI Mohi Din was self-knowing and assured of the fact that Rohit Krishan Bhat had volunteered himself for investigation only in the FIR No. 20 of 2024 whereas neither in his bail application nor in the anticipatory bail order any reference of FIR No. 20 of 2024 was ever made.

35. Thus, for I.O ASI Mohi Din to take the identity of Rohit Bhat S/o R.K Bhat R/o Paloura named as an accused in FIR No. 20 of 2024 by Ajay Kumar Sareen to be that Rohit Krishan Bhat S/o Ram Krishan Bhat R/o H. No. 37 Sector No. 4, Lower Roop Nagar, Jammu, reporting himself before the Janipur Police Station with an order of pre arrest bail without any reference to any particular criminal case, to be taken under arrest by surrender in relation to FIR No. 20 of 2024 is a fact which is all intriguing on the record of the case known only to I.O ASI Mohi Din that too without any identification got done from Ajay Kumar Sareen by calling him to the Police Station at the same time when Rohit Krishan Bhatt and Ragini Rajput had come reporting and submitting bail and surety bond.
36. Said Rohit Krishan Bhat S/o Ram Krishan Bhat R/o H. No. 37 Sector No. 4 Lower Roop Nagar, Jammu also did not agitate his readymade implication in the FIR No. 20 of 2024

as if he was beforehand knowing the fact that it is in FIR No. 20 of 2024 that his involvement was referred as an accused by no one else than Ajay Kumar Sareen.

37. At the point of time of his reporting in the Police Station, Janipur on 24.01.2024, Rohit Krishan Bhat S/o Ram Krishan Bhat was accompanied by Ragini Rajpoot shown to be a resident of H. No. 37 Lower Roop Nagar, Jammu as is borne out from Arrest/Court Surrender Memo prepared by I.O ASI Mohi Din by reference to FIR No. 0020/2024 against General Diary number 021 dated 24.01.2024.
38. Both Rohit Krishan Bhat S/o Ram Krishan Bhat R/o H. No. 37 Lower Roop Nagar, Jammu and Ragini Rajput came to submit personal bond as well as surety bond in the case **State through Ajay Kumar Sareen Vs. Rohit Krishan Bhat** thereby proving the fact that on 24.01.2024, Ragini Rajput along with Rohit Krishan Bhat had actually reported themselves at the Police Station, Janipur at 18.10 hrs. (6.10 p.m.) for doing the formality of self-surrender and furnishing of bail bond and surety bond.
39. With respect to further investigation of FIR No. 20 of 2024 so lodged by Ajay Kumar Sareen, I.O. ASI Mohi Din did not conduct any investigation whatsoever for the next three days i.e., 25.01.2024, 26.01.2024 and 27.01.2024 may be for reasons related to the Republic Day arrangements though not documented in the Case Diaries.

40. In connection with exercise of submission of bail and surety bonds by Rohit Krishan Bhat and Ragini Rajput with respect to his arrest by surrender in the case **State through Ajay Kumar Sareen Vs. Rohit Kumar Bhat**, I.O ASI Mohi Din did not make any entry in the Case Diary of the said date i.e., 24.01.2024 to the effect that both Rohit Krishan Bhat and Ragini Rajput had narrated any incident from their end with respect to an alleged incident or anything preceding thereto which had resulted in registration of FIR No. 20 of 2024.
41. On the other hand, for very quirked development, Ajay Kumar Sareen, after having been examined by I.O ASI Mohi Din in terms of recording of statement under Section 161 Cr.P.C on 24.01.2024, on the very next day i.e., 25.01.2024 rushed for seeking an anticipatory bail in his favour before the court of learned Principal Sessions Judge, Jammu stating therein that he came to be brutally attacked by one of the miscreants causing serious head injury to him and that the opponent party is trying to indulge him in a false and frivolous FIR/counter FIR so as to harass him so that in future some compromise can be made and in that regard apprehended that Janipur Police Station is bent upon to arrest him as a bargain with respect to FIR No. 20 of 2024 lodged by him.
42. In this application seeking anticipatory bail, Ajay Kumar Sareen did not divulge any further details and, in fact, kept

sealed lips as to the background in which he was coming forward with filing of the pre-arrest bail application.

43. The Court of learned Principal Sessions Judge, Jammu came to admit Ajay Kumar Sareen to anticipatory bail provided he is not involved in any offence carrying punishment in excess of 07 years. In this order dated 25.01.2024 granting pre-arrest bail in favour of Ajay Kumar Sareen, the court of learned Sessions Judge, Jammu had also excepted an offence against a woman if alleged to have been committed by Ajay Kumar Sareen.
44. On 28.01.2024, for reasons which are difficult to fathom from any count of investigation, I.O ASI Mohi Din came to record in addition to the statement of Akshay Kumar, the friend of Ajay Kumar Sareen, and supposedly an eyewitness, the statements of Rekha Rani-the mother of Ajay Kumar Sareen and Sanjeev Sareen-the father of Ajay Kumar Sareen having nothing to do with the alleged incident of 23/01/2024.
45. For what purpose and in which connection I.O ASI Mohi Din was led to examine Rekha Rani and Sanjeev Kumar Sareen, the mother and father of Ajay Kumar Sareen, in connection with incident of 23.01.2024 is beyond comprehension even by layman standard of reference when both were unrelated to alleged incident of assault upon Ajay Kumar Sareen.
46. On the other hand, it equally defies understanding as to what for I.O ASI Mohi Din did not examine on 24.01.2014 itself

Akshay Kumar, the alleged eye witness and friend of Ajay Kumar Sareen, on whose Scooty the said Ajay Kumar Sareen, was riding when accused Rohit Bhat allegedly came to pounce upon said Ajay Kumar Sareen and had allegedly left him injured with an assault. I.O ASI Mohi Din left said Akshay Kumar's statement to be recorded only on 28.01.2024. From a perusal of the Case Diary, there is no account coming for this delay in examining Akshay Kumar, an alleged eye witness of the incident.

47. Thus, in the name of investigation of FIR No. 20 of 2024 what I.O ASI Mohi Din did was, in fact, a ritual of exercise of the paper work of 161 Cr.P.C statements of four persons as witnesses i.e., Ajay Kumar Sareen, his friend Akshay Kumar, Rekha Rani (mother) and Sanjeev Sareen (father) besides doing attending routine work in the form of preparation of site map of alleged place of incident on 24.01.2024, carrying out Arrest-cum-Surrender related proceedings of Rohit Krishan Bhat S/o Ram Krishan Bhat R/o H. No. 37 Lower Roop Nagar, Jammu who otherwise had come on his own to the Police Station, Janipur without bearing any reference as to in which case connection he, accompanied by Ragini Rajput, had come to suffer the said arrest by surrender but nevertheless I.O ASI Mohi Din got them arrested by reference to FIR No. 20 of 2024 on 24.01.2024 at 18.10 hrs., but

preparing the Arrest/Court Surrender Memo dated 05.02.2024.

48. In the name of investigation, I.O ASI Mohi Din prepared a *fard shinakhat mulzim* without any reference to any identification of named accused Rohit Bhat in FIR No. 0020 of 2024 having been done by Ajay Kumar Sareen.
49. While Ajay Kumar Sareen lodged FIR No. 0020 of 2024 with the Police Station Janipur, Jammu was purportedly undergoing investigation under I.O ASI Mohi Din in the aforesaid sequence of facts but just after nine (9) days from the alleged incident of 23.01.2024, which formed the basis for registration of FIR No. 0020 of 2024 against said Rohit Bhat at the instance of Ajay Kumar Sareen, Ragini Rajput wife of Rohit Krishan Bhat R/o H. No. 37, Sector 4, Lower Roop Nagar near Ladakhi Girls Hostel, Jammu came to register an FIR No. **0024 dated 01.02.2024** with the same Janipur Police Station, Jammu against Ajay Kumar Sareen, for alleged commission of offences under sections 354,354-B and 354-D of the Indian Penal Code, 1860.
50. Before this Court refers itself to the contents of this FIR No. 0024 of 2024 got so registered by said Ragini Rajput against Ajay Kumar Sareen, it needs to be first highlighted as to in what manner FIR No. 0024 of 2024 came to be so registered with the Janipur Police Station, Jammu.

51. As observed herein before but needs to be reiterated herein for the sake of refreshing the perspective that on 24.01.2024, Ragini Rajput had accompanied Rohit Krishan Bhat at 18.10 hrs., visiting the Police Station Janipur, Jammu bearing the anticipatory bail order dated 24.01.2024 passed by the court of learned Additional Sessions Judge, Jammu on the application of Rohit Krishan Bhat and in that regard had come to furnish her surety bond whereas Rohit Krishan Bhat had furnished his personal bond before I.O ASI Mohi Din seized of the investigation of FIR No. 0020/2024. So, there cannot be any denial to the fact that Ragini Rajput, along with Rohit Krishan Bhat, had a stay and time spent, howsoever brief that may be, in the Police Station Janipur in connection with the proceedings related to furnishing of personal as well as surety bond on 24.01.2024.
52. There can also be no denial to the fact that Rohit Krishan Bhat in his application for seeking anticipatory bail under section 438 of the Code of Criminal Procedure, 1973 filed on 24.01.2024 before the court of learned Additional Sessions Judge, Jammu had made no whisper of any incident whatsoever of 23.01.2024 having taken place in the context of any confrontation having taken place between Ajay Kumar Sareen and Ragini Rajput or for that matter with him i.e., Rohit Krishan Bhat.

53. The tone and tenor of said anticipatory bail application is as if Rohit Krishan Bhat was totally oblivious of any incident having taken place on 23.01.2024 qua Ajay Kumar Sareen but still caught worried to get an anticipatory bail order in his favour from the court of Additional Sessions Judge, Jammu against his apprehended arrest at the hands of none other than Janipur Police Station without bearing any reference to any criminal case registered or apprehended to be registered against him.
54. At the end of Ragini Rajput, she activated herself to make complaint against Ajay Kumar Sareen by purportedly addressing four identically typed complaints to and in the name of the Inspector General of Police, Jammu, the Senior Superintendent of Police Jammu, the SHO Police Station, Janipur and the Director General, Women and Child Development J&K.
55. While first three complaints i.e., to the Inspector General of Police Jammu, the Senior Superintendent of Police, Jammu and SHO Police Station, Janipur bearing signatures of Ragini Rajput as complainant do not carry any date whatsoever whereas the complaint addressed to the Director General, Women and Child Development J&K bears 31.01.2024 as date.
56. Insofar as the complaint addressed to the SHO Police Station, Janipur is concerned seeking registration of FIR, it bears an

endorsement dated 27.01.2024 purportedly by the Inspector General of Police, Jammu meant for the Superintendent of Police, Jammu bearing direction **“please listen”**.

57. Insofar as the complaint addressed to the Inspector General of Police, Jammu for registration of FIR is concerned, it bears an endorsement dated 30.01.2024 for the Superintendent of Police, Jammu with a direction **“please take appropriate action”**.
58. The complaint addressed to the Senior Superintendent of Police (SSP), Jammu bears an endorsement dated 30.01.2024 purportedly by the Senior Superintendent of Police (SSP), Jammu for the Superintendent of Police, City North with direction **“for n/a under rules”**. This complaint bears receipt No. Clt/DPOJ/24/PH-18 dated 30.01.2024. It further bears an endorsement of the Superintendent of Police (North) dated 31.01.2024 addressed to the SHO, Police Station Janipur with direction **“to enquire into the matter and take immediate action as per law”** and bears receipt of the Superintendent of Police Office No. Clt/1850/SPN dated 31.01.2024.
59. As observed hereinabove, as all the four complaints carry identical text, as such for the facility of reference, it is appropriate to reproduce herein below the one of the complaints, which ultimately got registered as FIR, as it is so as to bear in mind the perspective in which Ragini Rajput

came up complaining against Ajay Kumar Sareen for registration of FIR against him. The complaint reads as below:

**“To
The Senior Superintendent of Police
Jammu.**

In the matter of: Application for registration of FIR.

Respected Sir,

**The application (complainant) most respectfully
submits as under:**

- 1. That the complainant is peace loving and law abiding Citizen of India and permanent resident of UT of J&K and besides that she is a Govt. employee serving as teacher in Govt. Central Basic Hr. Sec. School, Purani Mandi, Jammu.**
- 2. That accused Ajay Kumar Sareen is known to brother of complainant being his class mate.**
- 3. That for the last few months said accused person is calling/harassing the complainant after which complainant blocked her number and after this, said accused person started following the complainant and on 15.01.2024 at about 1:30 PM, Ajay Sareen entered the school of complainant and directly came to complainant and told her that he wanted to talk to the complainant as he has feelings about the complainant upon which, complainant conveyed that she does not want to talk to her and asked him to not create any scene and immediately leave the school otherwise she will complaint against him to the school Administration and on this, he left the school but stayed outside the school and after closing of school, he again followed the complainant on his scooty.**
- 4. That on 23.01.2024 at about 2:55 PM when school closed, he entered the school premises and again came to complainant and asked complainant to talk to her upon which, complainant asked her to stay away from her life and leave the school forthwith.**
- 5. That although accused left the school but he left the school but again stayed outside the school and when complainant left the school on her car and reached near Maheshpura Chowk, she saw the accused person alongwith one unknown person and both were following the complainant on scooty and when complainant reached near Green Land Palace, Lower Roop Nagar, Jammu, said accused parked his scooty in front of car of complainant and started saying**

that why you not listening to me and when complainant said that she does not want to talk or listen to him upon which accused became infuriated and hold the complainant from her jacket pulled her jacket and clothes which were torn during pulling and in anger said if complainant will not listen to him then he will kidnap her and take her to Poonch.

6. That complainant was very frightened and she called her brother and handed over her phone to accused and asked him to talk to her brother upon which accused took phone and said I am prosecution officer and I am not scared of anyone and you can do nothing after which he cut the call.
7. That after this, accused forcefully hold the hand of complainant and said if you don't talk to me then I will follow you daily upto your home and complainant was scared and started her car and went to her home but accused followed her to her home.
8. That the accused is influential person who is extending threats of his position as he is prosecution officer and because of the aforesaid illegal acts and conduct as well as treats, complainant is very scared as such present compliant.

It is therefore most respectfully prayed that appropriate action may please be taken against the accused by registering FIR against the accused Ajay Kumar Sareen under relevant provisions of law in the interest of justice and fair play.

(Complainant)

Ragini Rajput

W/o Sh. Rohit Krishan Bhat

R/o H. No. 37 Sector 4, Lower Roop

Nagar, Near Ladakhi Girls Hostel, Jammu."

60. If given to Ragini Rajput's take on the situation, then complaint addressed to SHO Police Station, Janipur Jammu bearing a written direction by the Inspector General of Police, Jammu to the Superintendent of Police, Jammu did not yield any response and so is the case of the complaint addressed to Inspector General of Police, Jammu bearing his endorsement

for the Superintendent of Police, Jammu to take appropriate action also fetched no response leaving it only for the complaint addressed to the Senior Superintendent of Police (SSP), Jammu for registration of case against Ajay Kumar Sareen which actually set the process into motion for registration of an FIR on 01.02.2024 against Ajay Kumar Sareen. Thus, this seems to be a made-up narrative holding no persuasive effect to have any taker for that and all seems to be an afterthought to get the FIR registered in the matter.

61. Nevertheless, the complaint addressed to the Senior Superintendent of Police (SSP), Jammu was endorsed on 30.01.2024 for the Superintendent of Police, North but was presented by Ragini Rajput, without bearing any sense of rush on her part, on 31.01.2024 before the Superintendent of Police, North that is next day.
62. The Superintendent of Police, North's endorsement to the SHO Police Station, Janipur Jammu for taking the action is dated 31.01.2024 but still the complaint so endorsed came to be presented not on the same very day i.e., 31.01.2024 but next day on 01.02.2024 by Ragini Rajput that too at 17.15 hrs., (5.15 p.m.) as if she was not pressed by any sense of urgency with respect to matter which involved offence against her person.
63. The reason on the part of Ragini Rajput to act at her leisure, that instead of rushing to get her complaint registered as FIR

on 31.01.2024 itself on the basis of the endorsement of the Senior Superintendent of Police, Jammu, to present the endorsed complaint on 01.02.2024, that too at 17.15 hrs., on 01.02.2024 is known to no one else than Ragini Rajput leaving everybody else including this court to stay in a state not to hazard even taking a safe guess except that she was not led by any due sense of urgency in the matter being already running late in her complaining about the case.

64. It is on the basis of this purported exercise at the end of Ragini Rajput that FIR No. 0024 of 2024 got registered against Ajay Kumar Sareen.
65. The opening line of FIR No. 0024 of 2024 is that complainant Ragini Rajput is accompanied by her husband Rohit Krishan Bhat to the Police Station Janipur for the purpose of producing the complaint duly marked by Senior Superintendent of Police, Jammu vide Order No. Clt/DPOJ/24/PH-18 dated 30.01.2024 and duly endorsed by Superintendent of Police City North, Jammu vide Order No. Clt/1850/SPN dated 31.01.2024.
66. SHO, Police Station Janipur, Jammu assigned the investigation of Ragini Rajput's FIR No. 0024 of 2024 against Ajay Kumar Sareen to the Investigating Officer (IO) ASI Rounak Singh as if the SHO, Police Station Janipur Jammu was totally uninformed and unaware of the fact that FIR No. 0020 of 2024 lodged by Ajay Kumar Sareen against Rohit

Bhat related to incident of 23.01.2024 was already under investigation with I.O ASI Mohi Din and second FIR No. 0024/2024 was also converging to involvement of same actors on same date of alleged incident. Thus, it seems nobody bothered to sound the SHO Police Station Janipur that two parties are coming with counter version generating two FIRs of same day i.e., 23/01/2024 incident involving same set of actors.

67. Thus, from the Janipur Police Station for the same very day's incident of 23.01.2024 with respect to two versions relatable to three actors, namely, Ajay Kumar Sareen, Rohit Krishan Bhat and Ragini Rajput, two simultaneous but opposite side looking investigations by different investigating officers got into effect, first FIR followed by second, least bothering the SHO Police Station Janipur to spare his consideration to the fact that the investigation relatable to two allegedly reported incidents in terms of FIR No. 0020 of 2024 and FIR No. 0024 of 2024, involving a serving prosecution officer/a prospective civil judge junior division and a woman complaining of wrong to her person at the hands of said prosecution officer, ought to have been taken either by himself under his own investigation or to assign the matter to one investigation officer higher than ASI rank for the purpose of knowing the truth and presenting final report/s thereupon so as to

present true factual police report/s before the Magistrate concerned competent to take cognizance of the matter.

68. In the name of investigation of FIR No. 0024 of 2024 dated 01.02.2024 so registered by Ragini Rajput, I.O ASI Rounak Singh of the Police Station, Janipur, for the reasons which defy understanding given at the common sense level, did not at the first instance examine Ragini Rajput, as being the complainant, in terms of a statement under section 161 of the Code of Criminal Procedure, 1973 on the date of registration of the FIR 0024 of 2024 or for that matter on the very next day/s.
69. In fact, as per the Case Diaries with respect to investigation of FIR No. 0024 of 2024, I.O ASI Rounak Singh, on 01.02.2024 at 16.15 hrs., (6.15 p.m) had proceeded for preparation of site map and in that connection telephonically called Ragini Rajput and Rohit Krishan Bhat to arrive at the site of alleged occurrence referred in FIR No. 0024 of 2024.
70. On the said date i.e., 01.02.2024 after purported preparation of site map, instead of Ragini Rajput it is her husband Rohit Krishan Bhat whose statement came to be recorded under section 161 of the Code of Criminal Procedure, 1973 as if instead of Ragini Rajput it is Rohit Krishan Bhat who was the complainant before I.O ASI Rounak Singh.
71. Same very Rohit Krishan Bhat, who had, at the very first instance, approached the court of learned Additional Sessions

Judge, Jammu with an application seeking anticipatory bail therein stating nothing with respect to any incident involving himself, his wife Ragini Rajput and Ajay Kumar Sareen in any context whatsoever, came forward divulging in his statement under section 161 of the Code of Criminal Procedure, 1973 that on 23.01.2024 at about 2.45 p.m he got a phone call from his wife Ragini Rajput complaining that Ajay Kumar Sareen had bothered her on two or three times before by coming to her school and that on the date of incident also Ajay Kumar Sareen had come to the school but was told by his wife-Rajini Rajput in strong words not to come to her in the school further stating that his wife left the school in her car which was chased by Ajay Kumar Sareen and upon reaching Muthi Chowk, Ajay Kumar Sareen riding on scooty stopped his wife's car and started indulging in harassing and intimidating her when his wife Ragini Rajput alighted from her car and Ajay Kumar Sareen got hold of her laying his hand on her chest whereafter Rohit Krishan Bhat went in search of Ajay Kumar Sareen to find him near his house i.e., of Rohit Krishan Bhat when he (Rohit Krishan Bhat) got in verbal exchange with Ajay Kumar Sareen asking him the reason of chasing his wife but Ajay Kumar Sareen ran away from the spot.

72. An alleged incident of such a serious nature having taking place on 23.01.2024 even as per the version of Ragini Rajput

and her husband Rohit Krishan Bhat was not reported by both of them on 24.01.2024 is not readily convincing to reason when both of them had visited the Police Station, Janipur for sufficient span of stay in connection with making arrest by surrender in connection with FIR No. 0020/2024 submitting personal as well as surety bond, making no whisper of an incident of any nature whatsoever having taken place in the bail application filed on 24.01.2024 before Additional Sessions Judge, Jammu and then in no manner acting till complaining 27.01.2024 when four complaints, identically textured and contextured, came forward addressed to the Inspector General of Police Jammu, Senior Superintendent of Police (SSP) Jammu, SHO Janipur Jammu and the Director General, Women and Child Development.

73. In her said four complaints, Ragini Rajput came making no whisper of the fact that her husband Rohit Krishan Bhat had come at the site where she was intercepted by Ajay Kumar Sareen and that she had narrated the incident to her husband Rohit Krishan Bhat who had gone looking out for Ajay Kumar Sareen and found him at the place as stated by her husband Rohit Krishan Bhat in his statement under section 161 Code of Criminal Procedure, 1973 made on 01.01.2024.
74. The preparation of site map alleged to have been done on 01.02.2024 purportedly on the identification of Ragini Rajput

and her husband Rohit Krishan Bhat carries no signature of the said two persons as attesting witnesses to lend credence to the making of the site map on the identification of the said two persons.

75. The reason for not examining Ragini Rajput, the complainant in FIR No. 0024 of 2024 as recorded by I.O ASI Rounak Singh in the Case Diary of 01.02.2024, is that she opted to make a statement only before a Magistrate and not before the said I.O.
76. This purported conduct on behalf of Ragini Rajput as recorded in the Case Diary is again very odd and abnormal given the fact that she had no reason/basis to avoid stating her complaint before I.O ASI Rounak Singh who had already set himself on the purported investigation of the case and by record had even identified the site of occurrence for preparing site map.
77. It seems that it is an afterthought on the part of the I.O ASI Rounak Singh to justify non-examination of Ragini Rajput on 01.02.2024 as after having examined Rohit Krishan Bhat, the husband, for the reasons best known only to Rohit Krishan Bhat, Ragini Rajput and to said I.O ASI Rounak Singh statement of Ragini Rajput somehow was to be shown deferred on some pretext. Thus, even Case Diary of 01.02.2024 seems to be antedated.

78. On 02.02.2024 onwards till 09.02.2024 there was no investigation whatsoever conducted by I.O ASI Rounak Singh in the case as is borne out from the Case Diary file maintained with respect to FIR No. 0024 of 2024.
79. On 04.02.2024, the requisite medical opinion was also sought with respect to nature of injury allegedly inflicted upon the person of Ajay Kumar Sareen which was reported to be simple in nature caused by a blunt object.
80. As referred hereinbefore that Ajay Kumar Sareen also opted to apply for anticipatory bail before the court of learned Principal Sessions Judge, Jammu on 25.01.2024 which came to be granted in terms of an order dated 25.01.2024, Ajay Kumar Sareen came to file a supplementary application before the court of learned Principal Sessions Judge, Jammu on 09.02.2024 with a pretext that as in the order dated 25.01.2024 it was a condition put that anticipatory bail was not to operate if involved in any offence carrying punishment in excess of seven years or offence against woman but the FIR No. 0024 of 2024 with the Police Station Janipur stands registered against him for offences under sections 354/354-B/354-D of the Indian Penal Code, 1860 as a counter blast to his FIR No. 20 of 2024 as such the interim bail cover needs to be extended to the FIR No. 0024 of 2024.
81. The court of learned Principal Sessions Judge Jammu, in terms of an order dated 09.02.2024, came to extend the

anticipatory bail in favour of Ajay Kumar Sareen with respect to FIR No. 0024 of 2024 of the Police Station Janipur as well.

82. Despite having earned an order dated 09.02.2024 granting anticipatory bail with respect to his impending arrest under FIR No. 0024 of 2024, Ajay Kumar Sareen did not volunteer his participation in the investigation as is born out from the Case Diary dated 10.02.2024.
83. In fact, it is through his father Sanjeev Kumar Sareen that Ajay Kumar Sareen submitted a bail order dated 09.02.2024 and, therefore, kept himself away from participation in the investigation of FIR No. 0024 of 2024 for the reasons best known to him.
84. The fact about submission of the bail order dated 09.02.2024 passed by the court of Principal Sessions Judge, Jammu granting anticipatory bail in favour of Ajay Kumar Sareen is duly reflected in Case Diary dated 10.02.2024 which bears clear reference that Ajay Kumar Sareen has not so far appeared or attended the investigation.
85. On the other hand, the same very I.O ASI Rounak Singh with respect to the FIR No. 0024 of 2024 mentions Ajay Kumar Sareen to have been arrested on 10.02.2024 at 00.00 hrs., (date and time of arrest) by reference to Arrest/Court Surrender Memo in which the witnesses to arrest of Ajay Kumar Sareen are referred to be Ragini Rajput, Rohit Krishan Bhat and I.O ASI Rounak Singh.

86. This Arrest/Court Surrender Memo of Ajay Kumar Sareen showing date of arrest to be 10.02.2024 is prepared on 08.05.2024 for the reasons best known to I.O ASI Rounak Singh whereas the fact is that on 10.02.2024, in terms of his own Case Diary entry, arrest of Ajay Kumar Sareen was yet to take effect and the anticipatory bail order dated 09.02.2024 was produced by Sanjeev Kumar Sareen, the father of Ajay Kumar Sareen so wherefrom arrest of Ajay Kumar Sareen came to be reflected to be on 10.02.2024 is intriguing which this Court is not able to figure out except to say that the preparation of the record was being ante-dated and was not contemporary.
87. The aforesaid observation of this Court is coming forth from the fact that on 28.02.2024 SHO Police Station, Janipur was addressing a notice under section 41-A of the Code of Criminal Procedure, 1973 to Ajay Kumar Sareen calling upon him to present himself before the Police Station, Janipur in connection with questioning for investigation under FIR No. 0024 of 2024.
88. While I.O ASI Rounak Singh prepared an Arrest Memo/Court Surrender Memo with respect to Ajay Kumar Sareen on 08.05.2024 but before that Deputy Superintendent of Police, SDPO, City West Jammu, vide his order No. 2598-601/SDCW dated **29.02.2024**, had come to shift the investigation of the case from ASI Rounak Singh to SHO

Police Station Janipur Jammu for further investigation so wherefrom arrest memo/court surrender memo dated 08.05.2024 was prepared by ASI Rounak Singh is best known only either to ASI Rounak Singh or for that matter to the SHO Police Station, Janipur.

89. The reason for the transfer of the investigation to SHO Police Station Janipur with respect to FIR No. 0024 of 2024 is not revealed or forthcoming from the above-mentioned order of the Deputy Superintendent of Police, SDPO, City West Jammu but the fact remains that SHO Police Station Janipur at his own end was having no track of things taking place in the context of quality content of investigation taking place with respect to FIR No. 0024 of 2024 and having taken place with respect to FIR No. 0020 of 2024 with final police report (challan) also presented.
90. However, it is worth observation that the transfer of the investigation of the FIR No. 0024 of 2024 came to take place after the Police Report (Challan) No. 10 of 2024 dated 25.02.2024 under Sections 341/323 of the Indian Penal Code, 1860 with respect to the FIR No. 0020 of 2024 against Rohit Krishan Bhat had come to be presented on 26.02.2024 to the Chief Judicial Magistrate (CJM), Jammu.
91. The Police Station Janipur or for that matter Deputy Superintendent of Police, SDPO, City West Jammu cannot be heard to plead ignorance of the fact that the Police Station,

Janipur was unaware of the common connection of FIR No. 0020 of 2024 viz-à-viz FIR No. 0024 of 2024 and the commonality of characters involved therein.

92. In the meanwhile, on the purported basis sequence of facts and circumstances reported, related and so to say investigated with respect to FIR No. 20 of 2024, the I.O ASI Mohi Din came forward with preparation of a Final Police Report (Challan) No. 10/2024 dated 25.02.2024 for alleged commission of offences under sections 341/323 of the Indian Penal Code against Rohit Krishan Bhat S/o Ram Krishan Bhat R/o H. No. 37 Lower Roop Nagar, Jammu. Accused Rohit Krishan Bhat by his occupation is said to be Junior Engineer in the Public Works (R&B) Department.
93. With respect to said FIR No. 0020/2024, the Final Police Report (Challan) No. 10 of 2024 dated 25.02.2024 under sections 341/323 Indian Penal Code came to be presented before the Chief Judicial Magistrate, Jammu on 26.02.2024 wherefrom it came to be transferred to the Judicial Magistrate 1st Class (3rd Additional Munsiff), Jammu.
94. In the Final Police Report (Challan) No. 10 of 2024 against Rohit Krishan Bhat, the husband of Ragini Rajput, the Investigating Officer ASI Mohi Din did not spell as to for what purpose the parents of Ajay Kumar Sareen came to be cited by him as a prosecution witnesses when they had, by no stretch of imagination, anything to state with respect to the

incident of alleged assault by Rohit Krishan Bhat upon and against Ajay Kumar Sareen allegedly taking place on 23.01.2024 thereby meaning that the investigation was done just for the name sake so as to come up with a Final Police Report booking Rohit Krishan Bhat without any proper evidentiary basis.

95. At the presentation of said final police report (challan), the accused Rohit Krishan Bhat was present in person before the Court of Judicial Magistrate 1st Class (3rd Additional Munsiff) Jammu wherein he came to submit fresh bail bond and surety bond in terms of proceedings of 26.02.2024 and the case got posted for further proceedings on 06.05.2024.
96. On the other hand in a concomitant development, on 25.02.2024, Ragini Rajput came to make a complaint to the SHO Police Station, Janipur against Sanjeev Sareen and Sudha Sareen, the parents of Ajay Kumar Sareen stating therein that by reference to registration of the FIR No. 0024 of 2024 by her against Ajay Kumar Sareen his parents, namely, Sanjeev Kumar Sareen and Sudha Sareen are threatening, harassing, pressurizing, criminally intimidating and defaming her as well as her family members in order to get the registered FIR withdrawn. In this complaint, Ragini Rajput further stated that the parents of Ajay Kumar Sareen have even tried to pressurize her husband Rohit Krishan Bhat from his Head of the Department (R&B).

97. This complaint of Ragini Rajput, in terms of its context, exposes the fact that even Ragini Rajput was having personal knowledge about the parental family of Ajay Kumar Sareen knowing about his parents by their names and they are knowing about her husband Rohit Krishan Bhat in terms of his employment. However, Ragini Rajput did not come forward with further disclosure that despite her said complaint made to SHO Police Station, Janipur against the parents of Ajay Kumar Sareen what came to be the outcome of the said complaint or the complaint was made just for the sake of record making to be exploited for reference's sake.
98. On the other hand, Ajay Kumar Sareen has opted not to register any objection or reservation with respect to the nature and manner of the investigation carried out by I.O ASI Mohi Din with respect to the FIR No. 0020 of 2024 meaning thereby Ajay Kumar Sareen found himself contented just by the fact that Rohit Krishan Bhat has come to be booked for commission of offence under sections 341/323 Indian Penal Code.
99. Section 341 of the Indian Penal Code is punishment for wrongful restraint and Section 323 of the Indian Penal Code is punishment for voluntary causing hurt thereby ruling out any grievous hurt inflicted on the person of Ajay Kumar Sareen.

100. In the meanwhile, with respect to the pending investigation of FIR No. 0024 of 2024 against Ajay Kumar Sareen as observed earlier that so-called investigation came to be initiated on 01.02.2024 i.e. on the day of registration of the FIR when preparation of a site plan and statement of Rohit Krishan Bhat under Section 161 Code of Criminal Procedure, 1973 came to be recorded, then taken up on 10.02.2024 when bail order dated 09.02.2024 passed by the court of learned Sessions Judge, Jammu came to be presented by Sanjeev Kumar Sareen, the father of Ajay Kumar Sareen in the Police Station Janipur and thereafter the investigation was again resumed on 18.02.2024 on which date I.O ASI Rounak Singh came to diarize that for the purpose of getting Ragini Rajput, the complainant, to come forward for sake of recording her statement under section 164 of the Code of Criminal Procedure, 1973 she cited her bad health and sought time for coming forward for making statement upon her recovery meaning thereby the complainant Ragini Rajput, at her end, was least interested to put up her version at the earliest before I.O ASI Rounak Singh in the backdrop of the fact her FIR had come to be registered on 01.02.2024 after a gap of eight days from the date of alleged incident of 23.01.2024.
101. Further I.O ASI Rounak Singh has registered a fact in the Case Diary of 18.02.2024 that arrest of Ajay Kumar Sareen in the FIR No. 0024 of 2024 is still to be carried out which

recital is contrary to the record of Arrest/Court Surrender Memo in which the arrest of Ajay Kumar Sareen is shown to have taken place on 10.02.2024 thereby adding puzzle to the nature of investigation so carried out by the Police Station Janipur.

102. On the other hand, without presenting himself for investigation with respect to FIR No. 0024 of 2024, Ajay Kumar Sareen got absolute anticipatory bail from the court of learned Principal Sessions Judge, Jammu in terms of an order dated 02.03.2024 and thereupon furnished personal bond in the Court so as to attend the investigation.
103. This fact of grant of bail, in terms of the order dated 02.03.2024, is found mentioned in the Final Police Report which later on came to be presented with respect to the FIR No. 0024 of 2024 against Ajay Kumar Sareen.
104. While on one hand, Ajay Kumar Sareen was engaged in securing anticipatory bail in his favour with respect to the FIR No. 0024 of 2024, on the other hand he was addressing a complaint against Ragini Rajput to her Higher Official Authorities with respect to which the Director School Education, Jammu, vide his letter No. DSEJ/MW/G/2024/366/5124-26 dated 02.03.2024, came to forward the said complaint of Ajay Kumar Sareen to the Chief Education Officer, Jammu against Ragini Rajput and which complaint came to be forwarded by the Chief Education

Officer, Jammu vide his communication No. CEO/MW/31076-77 dated 27.03.2024, to the Principal, Government Central Basic Higher Secondary School, Purani Mandi, Jammu for enquiry and report. Copy of the complaint was filed by Ajay Kumar Sareen against Ragini Rajput accompanied the said communications.

105. In this complaint, the tone and tenor of the allegations would show that Ajay Kumar Sareen was having more than a passing acquaintance with Ragini Rajput to the extent of purported information about her alleged acts of omission and commission as a Teacher in the School and this complaint even bears reference to the private life of Ragini Rajput to the extent of her desire to divorce her husband Rohit Krishan Bhat and in turn marry Ajay Kumar Sareen.
106. In this complaint, Ajay Kumar Sareen is also exhibiting his full knowledge of the fact about Rohit Krishan Bhat being resident of House No. 37 Sector No. 4 Lower Roop Nagar, Jammu which otherwise was kept held back by him at the time of registration of his FIR No. 0020 of 2024 with the Police Station, Janipur Jammu and also in his statement under Section 161 of the Code of Criminal Procedure.
107. Thus, this complaint exposes Ajay Kumar Sareen in a bad light to the extent that even he had taken liberty of being miser in reporting true facts at the appropriate point of time when the same ought to have been disclosed by him at the

very first given occasion and that was at the time of registration of his FIR No. 0020 of 2024.

108. In this complaint, Ajay Kumar Sareen came to give a different version with respect to the alleged incident which led to his purported injury and registration of the FIR No. 0020 of 2024 by him.
109. For the facility of reference, the relevant para 12 of the said complaint is reproduced here under: -

“That after talking to her, the complainant was on his way to her maternal aunt’s home which is situated at Chinore, Roop Nagar, Jammu where the said teacher stopped the way of complainant and asked him to talk to his brother. When the complainant refused to do so, she told the location of the complainant to her husband and brother over call and 2 minutes later, her husband attacked the complainant with a sharp edged weapon on his head with intention to kill him. That an FIR was lodged against his husband for the said incident in Janipur Police Station.”

110. After a gap of ten days, investigation was again resumed to be on 29.02.2024 by which date Ragini Rajput, the complainant, had not come forward to make any statement whatsoever in support of her allegations made in the FIR No. 0024 of 2024 but still from nowhere I.O ASI Rounak Singh has referred himself to the matter of fetching call details from SDPO, City West, Jammu but by reference to the call details of which mobile numbers the I.O ASI Rounak Singh was seeking call details is known only to I.O ASI Rounak Singh when Ragini

Rajput, the complainant, was yet to make her statement to come forward with disclosure of any phone calls having taken place between her and Ajay Kumar Sareen or for that matter her husband Rohit Krishan Bhat.

111. It is at this point of time of investigation obtaining on 29.02.2024 that the transfer of the investigation of FIR No. 0024 of 2024 came to take place from I.O ASI Rounak Singh to SHO Police Station Janipur.
112. It is only on 01.03.2024 that Ragini Rajput, the complainant, finally came forward for making her statement under section 164 Code of Criminal Procedure after almost one month of lodging her FIR No. 0024 of 2024 which adds an element of discredit to her conduct as a complainant.
113. In her statement under section 164 of the Code of Criminal Procedure, 1973 recorded before the Forest Magistrate (1st Additional Munsiff), Jammu, Ragini Rajput came to make statement to the effect that Ajay Kumar Sareen was friend of her brother Anmol Slathia and as such used to frequent their house stating further that Ajay Kumar Sareen for the last four and five months had been chasing/annoying her (Ragini Rajput) urging her to speak to him but after getting fed up by the said overtures and gestures of Ajay Kumar Sareen came to block mobile phone of Ajay Kumar Sareen in September, 2023 but thereafter, Ajay Kumar Sareen started visiting the

Central Basic Higher Secondary School, Purani Mandi, Jammu where she is posted.

114. Ragini Rajput in her said statement has gone further to the extent of saying that Ajay Kumar Sareen repeatedly coaxed her to interact with him only to be told by her that she had no feeling for him (Ajay Kumar Sareen) even if he was having any feelings towards her.
115. With this background of purported interaction and interest of Ajay Kumar Sareen viz-à-viz Ragini Rajput, she came forward to narrate about the alleged incident of 23.01.2024 stating that at 2.55 p.m. Ajay Kumar Sareen had come to her school and stood near her vehicle to say that she (Ragini Rajput) shall speak to him but she told him to remove himself from her side otherwise school guards would be called which made Ajay Kumar Sareen to slip away from the scene but as she was putting a phone call to her brother, Ajay Kumar Sareen in fear of that went away from the place but on her way she observed that Ajay Kumar Sareen was riding on a Scooty following her which was being driven by somebody else and when she (Ragini Rajput) reached Green Land Palace, Lower Roop Nagar, Jammu Ajay Kumar Sareen got his Scooty in front of her car and alighted from the Scooty to come to her when she rolled down the side window of her car and told Ajay Kumar Sareen to go away and not to create any scene.

116. Ragini Rajput, in her statement, has stated that at that point of time she made a phone call to her brother who spoke to Ajay Kumar Sareen telling him to go away otherwise he (Ragini Rajput's brother) would come himself, at which point of time, Ajay Kumar Sareen snatched the mobile phone from the hands of Ragini Rajput, pulled down her wearing apparels as she was wearing a sweater and pulled down the said sweater from her chest side which resulted in plucking of her sweater's button. As per her statement, Ragini Rajput had kept her mobile phone on speaker mode which enabled her brother to overhear the ongoing conversation and commotion and she was left frightened and rolled up the side window of her car and drove away from the place of occurrence.
117. With this alleged incident having taken place, Ragini Rajput, in her statement, has stated that next day she had gone to the Police Station to lodge a complaint but the same was registered in the Police Station Janipur. As per further statement of Ragini Rajput ever since her complaint made to the Police Station Janipur, Ajay Kumar Sareen and his family have been visiting her office to float false narratives about her so as to defame her and also going to the extent of holding out threats to her and her in laws. Ragini Rajput has referred in her statement that Ajay Kumar Sareen was daring to do so on the basis of his claim that he is a Prosecuting Officer.

118. In her said version with respect to the alleged incident of 23.01.2024, Ragini Rajput has nowhere stated or mentioned about presence of her husband Rohit Krishan Bhat at the time of incident or even thereafter being conveyed about the happening of alleged incident whereas Rohit Krishan Bhat came forward with a different version about which reference has been made hereinbefore.
119. Thereafter, in the name of investigation, the statements of Kanta Pathania- mother of Ragini Rajput came to be recorded on 23.03.2024 followed by statements of Vipin Mehta, Gargi Khullar, Sharan Pal Singh, Rajesh Mehta, Manav Gupta, Anmol Slathia, Pintoo Singh and Akshay Kumar, the person who was driving the Scooty on which Ajay Kumar Sareen was riding and who had earlier made a statement as a witness under section 161 of the Code of Criminal Procedure in the investigation of an FIR No. 0020/2024 against Rohit Krishan Bhat.
120. Thus, one person, i.e. Rakesh Kumar came to be examined by the same Police Station Janipur, through its different Investigating Officers, to come up with two opposing versions about the alleged incident taking place on 23.01.2024 with confirmed common fact being Rakesh Kumar, the scooty driver on which Ajay Kumar Sareen was riding. Not only this, even the statement of Ragini Rajput's mother-Kanta Pathania and her brother-Anmol Slathia, were recorded twice.

121. Ragini Rajput came forward with another statement made on 05.05.2024 to the Investigating Officer whereby she came to make reference about CCTV footage having been captured with respect to an alleged incident on 23.01.2024.
122. On the very next day 05.03.2024 following the recording of statement of Ragini Rajput under section 164 of the Code of Criminal Procedure, 1973 on 04.03.2024, Ajay Kumar Sareen came forward with a complaint addressed to Senior Superintendent of Police (SSP), Jammu seeking a fair and professional investigation with respect to FIR No. 0020 of 2024 wherein he came to divulge that Rohit Bhat was previously known to him and that Ragini Rajput is his wife meaning thereby Ajay Kumar Sareen all along even before the alleged incident of 23.01.2024 in which he is alleged to have been assaulted by Rohit Bhat was knowing about the true profile of Rohit Bhat and Ragini Rajput being his wife but still at the time of making a complaint resulting in registration of an FIR No. 0020 of 2024, Ajay Kumar Sareen made not even a whisper of remote reference to this important aspect for the notice of the Investigating Officer concerned for the purpose of investigation into the matter or examining the veracity put forth by him in the form of a complaint.
123. Ajay Kumar Sareen filed an application dated 09.03.2024 addressed to SDPO, City West, Bakshi Nagar, Jammu seeking fair, impartial and professional investigation of FIR No. 0020

of 2024 by the Police Station Janipur. Thus, simultaneously engaging Senior Superintendent of Police (SSP), Jammu with a similar request made vide the application dated 05.03.2024 and also SDPO, City West, Bakshi Nagar, Jammu. Both applications carried the same text and context without any iota of change. In these two applications, Ajay Kumar Sareen first time came to introduce himself as a Public Prosecutor being well versed with law and stating the alleged incident of 23.01.2024 being attacked by Rohit Krishan Bhat being known to him and stating that Rohit Krishan Bhat attempted to kill him (Ajay Kumar Sareen) by attacking him on his head with a weapon which led to the infliction of an injury on his head treated with three stitches and resulting in registration of an FIR No. 0020 of 2024. In these two applications, Ajay Kumar Sareen came to introduce Ragini Rajput to be wife of Rohit Krishan Bhat registering a counter FIR No. 0024 of 2024 under sections 354/354-B/354-D Indian Penal Code which was a false, frivolous and vexatious FIR and that the said FIR was not being properly investigated by the Police by not seeing CCTV camera footage on the turn of lower Roop Nagar as well as in the house of Ragini Rajput so as to fetch real truth about the incident. Thus, Ajay Kumar Sareen indulged in fault finding of investigation of FIR no. 0024 of 2024.

124. On the other hand, not lagging behind Ajay Kumar Sareen in terms of brinkmanship and maneuverability, Ragini Rajput, at her end, came forward with an application made on 11.03.2024 to the court of learned Chief Judicial Magistrate, Jammu for the sake of seeking detailed status report with regard to an investigation of an FIR No. 0024 of 2024 from the Police Station Janipur, Jammu alleging therein that the Police Station Janipur was not investigating the matter even after a passage of long time despite repeated requests. Obviously, the tone and tenor of this application was not for the purpose of seeking status report but something else and that was to scandalize the situation.
125. On 15.03.2024, Ajay Kumar Sareen came forward with another application addressed to SDPO, City West, Bakshi Nagar, Jammu which came to be referred to SHO, Police Station Janipur with respect to an investigation of FIR No. 0024 of 2024.
126. On 26.03.2024 Ajay Kumar Sareen came forward with another application dated 26.03.2024 addressed to DIG Samba Kathua Range on the subject of false, frivolous and vexatious FIR No. 0024 of 2024 against him registered by the Police Station Janipur. In this complaint, Ajay Kumar Sareen repeated the version as given in his earlier applications to Senior Superintendent of Police (SSP), Jammu and SDPO, City West, Bakshi Nagar, Jammu without disclosing anything

in his application that he had already addressed applications on the identical lines to Senior Superintendent of Police (SSP), Jammu and SDPO, City West, Bakshi Nagar, Jammu.

127. Ajay Kumar Sareen solicited the indulgence of DIG Samba Kathua Range to close the FIR No. 0024 of 2024 and to take action against Rohit Bhat and his wife Ragini Rajput.
128. On **27.03.2024** Rohit Krishan Bhat came forward with institution of one of the three petitions before this Court i.e., CRM(M) No. 206 of 2024 for quashment of Final Police Report/Challan No. 10 of 2024 dated 25.02.2024 filed on 26.02.2024 on the ground as spelled out in the petition.
129. On the other hand, Ajay Kumar Sareen came forward with the institution of a petition-CRM(M) No. 312/2024 seeking quashment of an FIR No. 0024 of 2024 which came to be dismissed by virtue of an order dated 06.05.2024. In this petition CRM(M) No. 312/2024, Ajay Kumar Sareen impleaded Ragini Rajput as respondent No. 3 and stating in this petition about the fact of Rohit Bhat being husband of Ragini Rajput thereby confirming the fact that at the time of registration of FIR No. 0020 of 2024 with Police Station Janipur, Ajay Kumar Sareen had not come out with a clean disclosure of facts concerning Rohit Bhat and the alleged angle involved in alleged assault upon him.
130. On the basis of the purported investigation viz FIR No. 0024 of 2024, the Police Station Janipur, through its SHO, came

forward with preparation of a Final Police Report (Challan) No. 38 of 2024 dated 29.05.2024 against Ajay Kumar Sareen.

131. Police Station Janipur came forward submitting the final Police Report (Challan) No. 38 of 2024 dated 29.05.2024 before the Chief Judicial Magistrate, Jammu against Ajay Kumar Sareen charging him of an alleged commission of offences under sections 354 of assault or criminal force to woman with intent to outrage her modesty/354 of assault or use of criminal force to woman with intent to disrobe /354-D of stalking and 341 of wrongful restraint of the Indian Penal Code, 1860 which came to be transferred for trial to the Electricity Magistrate, Jammu. The Final Police Report (Challan) No. 38 of 2024 was presented on 30.05.2024.
132. While the afore-detailed facts and circumstances relate to CRM(M) No. 206 of 2024 and CRM(M) No. 466 of 2024, but with respect to CRM(M) No. 159 of 2024 by reference to same very date of 23.01.2024, Rekha Rani, the mother of Ajay Kumar Sareen came to register on 06.03.2024 an **FIR No. 0020/2024 with Police Station Pacca Danga, Jammu** against Anmol Slathia, the brother of Ragini Slathia and his friend Manav Gupta for alleged commission of offences under section 354/382/506/34 Indian Penal Code, 1860 stating therein that on 23.01.2024 at 2 p.m said two named accused persons entered in her shop, demanding Rs. 5,000/-, threatening to kill her and her son and forcibility took away

Rs. 3,000/- from the cash box by forcibly scuffling with her and inappropriately touching her body parts by outraging her modesty.

133. The registration of this FIR No. 0020/2024 with the Police Station Pacca Danga, Jammu came to take place with reference to the alleged incident of 23.01.2024 on 06.03.2024 when Rekha Rani Sareen, the mother of Ajay Kumar Sareen submitted a written application with the Police Post Parade falling under the Police Station Pacca Danga, Jammu. This FIR is still in a state of investigation but has been challenged by the accused named therein, namely, Anmol Slathia and Manav Gupta in CRM(M) No. 159/2024, being the first to be filed out of the three petitions, other two being CRM(M) No. 206 of 2024 and CRM(M) No. 466 of 2024.
134. A shoddy and compromised investigation of and in a criminal case is wedded from inception to checkmates at every stage of trial and fated to be failure be it at its very inception or at the end. Investigation of/in a criminal case is not meant to be customized as per noted script of an FIR so as to compulsively come up with a final police report following and fitting the FIR script because that scenario would only mean by cutting and editing of facts, a final police report under section 173 of the Code of Criminal Procedure gets generated by an Investigating Officer without probing all the facts in terms of all its leads and linkages be those, stated or silent ones.

135. Now in the aforesaid backdrop of facts and circumstances, the learned counsel for Ajay Kumar Sareen, the petitioner in CRM(M) No. 466/2024, the learned counsel for the respondent Ragini Rajpur in CRM(M) No. 466/2024, the learned counsel for Rohit Krishan Bhat, the petitioner in CRM(M) No. 206/2024, the learned counsel for Ajay Kumar Sareen, the respondent in CRM(M) No. 206/2024 and the learned counsel for Anmol Slathia and Manik Gupta, the petitioners in CRM(M) No. 159/2024 have all come up with their respective arsenal of arguments and counter arguments to emboss their respective case and cancel other's case in terms of accusation narrative, bearing self-serving assurance and approbation, as if his or her side version is truth telling and other side's version framed falsely as an afterthought and in the process exposing an inherent contrivance and contradiction found out without laboring any forensic exertion.
136. Both sides came with factual fragilities and frivolities self-exposing each other's case narrative literally arguing as if one side's falsehood is more plausible and presentable than others. Facts are in contradictions and contractions, presented in the name of an investigation by the respective investigating officers of the same police station i.e. Police Station Janipur, not supervised by SHO Police Station before approving submission of the two police reports forming subject matter of challenge under CRM(M) No. 206/2024 & CRM(M) No. 466/2024

137. This Court is consciously refraining from referring to the respective submissions of the learned counsel for both sides i.e. the petitioner as well as the respondents in CRM(M) No. 206/2024 & CRM(M) No. 466/2024 for the reason that the submissions are not finding any foundational connect with the so called investigation of the two FIRs i.e. FIR No. 20/2024 & FIR No. 24/2024. In fact, this Court has a very simple test to apply and expose the both sides in lacking bonafide in registration of a case against each other and the said test is if the final challans vis-à-vis FIR No. 20/2024 & FIR No. 24/2024 under challenge in CRM(M) No. 206/2024 & CRM(M) No. 466/2024 are let to undergo and bear respective trial by dismissing the two petitions i.e. CRM(M) No. 206/2024 & CRM(M) No. 466/2024, then both the police reports are going to cancel each other fact-wise because the factual narrative in both the police reports are found in disjunctive and not in conjunctive connection with each other and both the parties would be left to exploit their respective machination against each other in the course of trial making the trials in the two cases a sheer mockery.
138. Both sides are coming with self-serving claims of their case being true and the counter case untrue. If both challans are left to bear their respective trial as it is then an inevitable outcome, which is guaranteed to come sooner than later, is the failure of the said two police reports/challans thereby leaving

the criminal administration of justice a matter of mocking. This is not but for criminal administration of justice is aimed and meant for.

139. Police, as being an investigating authority, cannot be left to generate investigative report amounting to final police report which has no factual footing to prima facie show that the accusation and the evidence have come together in the police report on the basis of the investigation conducted so as to put up an accused for a trial of offence before the criminal court of law.
140. When this Court examines the aforesaid scenario in its totality then this Court is inclined to quash and hereby quashes the final police reports No. 38/2024 and 10/2024 of the Police Station Janipur. Given the fact the both the parties have come accusing each other in the context of FIR No. 0020/2024 and FIR No. 0024/2024 as such both the accuser and the accused have their respective self-reputation at the stake and as such the situation warrants that an independent unbiased investigation must happen with respect to the said two FIRs so as to bring out the real truth and the real culprit to stand trial, therefore, this Court is constrained to direct fresh investigation of the said two FIRs i.e., FIR No. 0020/2024 and FIR No. 0024/2024.
141. This Court is drawing support from the judgment of the Hon'ble Supreme Court of India in the case of "**State of**

Punjab Vs. Central Bureau of Investigation and ors", 2011 AIR (SC) 2962 as it also involved interplay of investigation with version and counter-version and the case was reported as 'Moga Sex Scandal' in which the High Court of Punjab and Haryana took suo moto cognizance from a news item and despite the reluctance of the Central Bureau of Investigation (CBI) to take over the investigation entrusted investigation by passing an order to said effect and the matter thus, was taken to the Hon'ble Supreme Court of India wherein it was argued that once a challan is filed and charges are framed, the High Court of Punjab and Haryana could not direct re-investigation by the Central Bureau of Investigation (CBI).

142. Taking stock of the position of law on the point, the Hon'ble Supreme Court of India came to formulate a question as to whether in the facts and circumstances the High Court of Punjab and Haryana could pass an order for investigation by the Central Bureau of Investigation (CBI) to secure the ends of justice. Upholding the direction of the High Court of Punjab and Haryana for investigation by Central Bureau of Investigation (CBI) as justified, the Hon'ble Supreme Court of India in para 18 came forward with the following observations:

"18. In the recent case of State of West Bengal and Others v. Committee for Protection of Democratic Rights, West Bengal and Others [(2010) 2 SCC 571] a Constitution Bench of this Court, while holding that no Act of Parliament can exclude or curtail the powers of

the High Court under [Article 226](#) of the Constitution, has cautioned that the extra-ordinary powers of the High Court under [Article 226](#) of the Constitution must be exercised sparingly, cautiously and in exceptional situations where it becomes necessary to provide credibility and confidence in investigation or where the incident may have national or international ramifications or where such an order may be necessary for doing complete justice and enforcing fundamental rights. This caution equally applies to the cases where the High Court exercises inherent powers under [Section 482](#) of the Cr.P.C. to direct investigation by the CBI for securing the ends of justice. In the facts and circumstances of this case, however, the High Court has held that the state local police was unable to carry out investigation into the cases and for securing the ends of justice the investigation has to be handed over to the CBI. In other words, this was one of those extra-ordinary cases where the direction of the High Court for investigation by the CBI was justified.

143. Fresh investigation of the said two FIRs cannot be now left at the disposal of the Police Station, Janipur or for that matter of the investigating officials of the Jammu and Kashmir Police. This Court upon due consideration assigns the investigation of the said two FIRs to the Central Bureau of Investigation, Jammu and, therefore, directs the Senior Superintendent of Police (SSP), Central Bureau of Investigation, Jammu to undertake the investigation of the said two FIRs by deputing a competent investigating officer to carry out the investigation to logical end at the earliest preferably within a period of ninety (90) days from the date of passing of this judgment.

144. Insofar as FIR No. 0020/2024 is concerned, since the investigation is to be done by the Police Station, Pacca Danga, Jammu as such, the said FIR is to bear the investigation by the said Police Station, Pacca Danga, Jammu and the same to be carried out and complied within a period of two months. In case the investigation is not conducted within the two months period as hereby given then the SHO, Police Station, Pacca Danga, Jammu to seek extension of time from this Court by laying a motion showing reasons for seeking extension.
145. Petitions are, accordingly, disposed of along with connected applications.
146. A copy of this judgment be sent to Special Mobile Magistrate (Electricity), Jammu seized of trial with respect to final police report No. 38 of 2024 and Judicial Magistrate 1st Class (3rd Additional Munsiff), Jammu seized of trial with respect to final police report No. 10 of 2024.
147. Police Station, Janipur to handover the entire record pertaining to the aforesaid two FIRs available at its end to Senior Superintendent of Police (SSP), CBI, Jammu.

(RAHUL BHARTI)
JUDGE

JAMMU
26.12.2024
Naresh/Secy.

Whether the order is speaking: Yes
Whether the order is reportable: Yes