



CRM-M-15415-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-15415-2024

Date of decision: 08.11.2024

Jai Chand

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**Present: Mr. Suneel Sharma, Advocate
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

Ms. P.S. Paul, Advocate
for the complainant.

AMARJOT BHATTI, J.

Petitioner has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.140, dated 31.10.2023, under Sections 302, 307, 450, 506, 148, 149 and 120-B IPC and Section 25 Arms Act, 1959, registered at Police Station Nurpurbedi, District Rupnagar.

2. As per facts of the case, Raj Kumar-complainant gave a statement that on 30.10.2023 after having supper he was present in house. His elder brother namely Karam Chand is also residing in the same premises, having common courtyard. Karam Chand disclosed that Ravi Kumar s/o Hari Ram was given threats to kill his son Sandeep Kumar on mobile phone. The complainant told his brother Karam Chand to talk about this in the morning. At about 10.00 p.m., when the light in the courtyard was on, Ravi Kumar, Kala sons of Hariram @ Chuhru, Jaswant Singh @



Bantu s/o Rati Ram, Rohit Kumar, Neeraj Kumar sons of Jai Chand, Pampa, s/o Roshan Lal, Lovely, s/o Chammanlal, Dharam Pal, s/o Sarup Ram and 10/15 persons entered their house. Ravi raised lalkara and he fired shot from his revolver. Rohit Kumar was also holding revolver who fired one shot which hit abdomen of his sister-in-law namely Geeta Devi wife Dharam Pal and fired one shot which hit near the waist of his brother Karam Chand. His nephew namely Sandeep Kumar received fire arm injuries on his face and one fire passed touching his left cheek. They fired several shots and other persons were armed with dandas (bamboo sticks) and kirpans (swords). On alarm raised by them, people in the neighborhood collected on the spot. The assailants left the house giving threats.

3. Learned counsel for the petitioner argued that he is falsely implicated in this case on account of previous enmity. After completion of investigation challan is already presented against accused persons who were arrested by the police. He was not present in the village at the time of said occurrence. No recovery is to be effected from him. He is ready to join the investigation. Call detail record of the present petitioner can be checked to find out his location. He is old man suffering from various diseases, therefore, his anticipatory bail application may be allowed.

4. Bail application is opposed by learned counsel representing State assisted by learned counsel for the complainant. It is pointed out that present petitioner along with other co-accused were specifically named. Occurrence took place in the house of complainant party. Two persons namely Karam Chand and Geeta Devi died in the occurrence. Their post-mortem reports are there on record. Other co-accused were arrested and



in the execution of the crime. He could not be arrested and after following proper procedures, he has been declared proclaimed offender along with others by learned Judicial Magistrate 1st Class, vide order dated 04.10.2024, therefore, he is not entitled to the concession of anticipatory bail.

5. I have considered the arguments and have gone through the record. Present petitioner along with co-accused are named for the commission of the offence. As per the facts narrated in the FIR, two persons were shot dead. Their injury report is detailed in the post mortem reports as mentioned in the status report. So far as present petitioner is concerned, he could not be arrested and at present he is already declared proclaimed offender.

6. Considering the factual position, petitioner being proclaimed offender is not entitled to anticipatory bail and his application is accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

08.11.2024
monika

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |