



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31688-2024 (O&M)
Date of Decision: 11.7.2024

Rajesh Kumar Sharma @ Jassi ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Neha Shukla, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
242	3.9.2018	City Sangrur, District Sangrur	302, 34 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The allegations in the FIR are broadly to the effect that Rajesh Kumar Sharma @ Jassi and Pardeep owed an amount of Rs.5 lakhs to complainant's brother Charanjit @ Chidi who was into real estate business and that complainant's brother Charanjit @ Chidi has discussed the said matter with the complainant several times. It is alleged that on 20.9.2018, when the complainant was present at home then at about 10:50 P.M., his brother Charanjit @ Chidi called on his mobile phone No.9888529792 and told him



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(2)

that he and his wife had gone to Ranbir College road, Sangrur and that they had been surrounded by Jassi, Pardeep, Pampi and Jaju and that they all were carrying weapons and were going to kill them. The complainant's brother asked him to reach at the spot quickly. Upon receipt the said telephonic call, complainant rushed to the spot where he saw the dead bodies of his brother and sister-in-law lying in a pool of blood. The complainant alleged that he strongly suspected that his brother and sister-in-law have been killed by Jassi, Pardeep Kumar, Anupam @ Pampi and Jaju on account of the fact that Jassi and Pardeep owed money to Charanjit @ Chidi.

3. Learned counsel for the petitioner submits that there is no eye-witness to the occurrence and the case is based on circumstantial evidence and since the petitioner has been behind bars for the last more than 5 years and 10 months, he deserves the concession of bail particularly when 2 other co-accused namely Jaidev @ Jaju and Pardeep have already been granted bail.
4. Opposing the petition, learned State counsel submits that having regard to the heinous nature of crime wherein two persons have been murdered, no case for grant of bail is made out particularly at this stage when the matter is fixed for recording of defence evidence and is likely to be concluded shortly.
5. This Court has considered rival submissions addressed before this Court.
6. While the allegations certainly are serious, but this Court finds that the petitioner has been behind bars for a substantial period of more than 5 years and 10 months. However, this Court cannot lose sight of the fact that the case is now at the stage of its closure i.e. at the stage of recording defence



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evidence. A perusal of the zimni orders as shown to this Court by the learned counsel for the petitioner would show that on the last date of hearing, the matter has been adjourned as no defence evidence had been led. Having regard to the heinous nature of crime and the fact that it is now for the accused to quickly lead his evidence so that the trial Court may embark upon hearing arguments, this Court does not find any ground for grant of regular bail to the petitioner at this belated stage. Consequently, the instant petition is dismissed.

7. However, the trial Court is directed to ensure that the matter is not adjourned repeatedly in a casual manner. Since learned counsel for the petitioner has stated that his client shall close his evidence on the next date of hearing, the trial Court shall do the needful in this regard and further press upon remaining accused to lead their evidence in case they desire to do so, at the earliest, so that the conclusion of trial is not further delayed. In case any of the accused, who are on bail, resort to dilatory tactics, it shall be open to the trial Court to consider cancellation of their bail.
8. A copy of this order be conveyed to the trial Court concerned.

11.7.2024
Geeta

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No