



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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CRM-M-33655-2024
Date of decision: 22.07.2024

Rajan Sharma @ Rajan Pandit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Jasdeep Singh, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.264 dated 22.10.2022 under Sections 302, 307, 506, 120-B of the IPC, registered at Police Station Jamalpur, District Ludhiana.

2. Learned counsel for the petitioner contends that he has no connection whatsoever with the murder of Paras Kumar (hereinafter referred to as 'deceased'), apart from the unsubstantiated accusation made by the complainant (wife of the deceased), who was not even a witness to the crime that took place on 21.10.2022. Further, it has been argued that there is no evidence suggesting that the petitioner had any involvement in the murder. Rather, an eye witness to the murder while getting his statement recorded under Section 161 of the Cr.P.C. on 03.11.2022 had categorically stated that the petitioner was not present at the scene of the crime. It has been submitted that the petitioner was in Dera Beas with his wife on the day of the alleged occurrence and



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stayed there until 23.10.2022, which further substantiated his innocence. Furthermore, a detailed inquiry was conducted by the Commissioner of Police, Ludhiana, following an application from the father of the petitioner for a fair investigation, who also found no convincing evidence to connect the petitioner with the crime in question. Consequently, only the co-accused were challaned, and the petitioner was rightly not included in the charge sheet. A prayer has, therefore, been made that in the aforementioned facts and circumstances, the petitioner be extended the concession of anticipatory bail, especially as he is willing to join investigation and cooperate with the investigating agency.

3. Upon issuing notice of motion on 17.07.2024, a pointed query was put to the learned State counsel as to whether any proceeding under Section 82 of the Cr.P.C. had been initiated against the petitioner, given that the crime dated back to 21.10.2022, and since the petitioner had unequivocally denied the same. Additionally, the petitioner had neither been exonerated nor listed in column No.2 of the challan. Hence, the Commissioner of Police, Ludhiana was directed to file an affidavit in the said regard.

4. Pursuant to the order dated 17.07.2024, an affidavit on behalf of the Commissioner of Police, Ludhiana has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

5. Learned State counsel, while drawing the attention of this Court to the aforesaid affidavit, has submitted that there had indeed



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been negligence on the part of the police officials, as no effective steps were taken by the SHOs of Police Station Jamalpur to arrest the petitioner or to initiate any proceedings under Section 82 of the Cr.P.C.; resultantly a departmental enquiry has now been instituted against them and efforts are underway to apprehend the petitioner. It has also been contended by the learned State counsel that despite several raids conducted at the house of the petitioner following the murder in question, he was not found. Arrest warrants were issued for the petitioner on 03.11.2023 for 16.12.2023 but he could still not be arrested. Numerous attempts have since been made to apprehend the petitioner, however, they have also been in vain.

6. Furthermore, learned State counsel has argued that the petitioner has been specifically named in the FIR in question with explicit attributions regarding his role in the crime. It has also been brought to the notice of this Court that the petitioner is involved in another case FIR No.83/2020 under Sections 307, 506, 323, 341, 34 of the IPC and Section 25 of the Arms Act, 1959 pending before the learned Additional Sessions Judge, Ludhiana, in which he had been previously declared a proclaimed offender. A prayer has, therefore, been made for dismissal of the instant petition as custodial interrogation of the petitioner is necessitated.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. It would be apposite to reproduce the FIR in question which has been annexed as Annexure P-1 and is reproduced



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hereinunder:-

“Statement of Shivani daughter of Nanbacha, resident of House No. HL-266, PHB Colony, Police Station Moti Ludhiana, aged about Nagar, 28 years, Jamalpur, Mobile No.98156-03311, it is stated that I am a resident of the aboe said address. I got married on 11.12.2021 to Paras Kumar son of Ramesh Kumar, resident of House No. 439, Near DCM Presidency School, Motti Nagar, Ludhiana. My husband was working with Sandeep Singh son of Darshan Singh near Bhamian Kalan. On 10.10.22, my husband along with Sandeep Singh, Neeraj and Nihal went to New Courts, Ludhiana to attend a date of hearing. where at around 2:00 PM my husband and his friends had some arguments about something with Rajan Pandit, Chhotu Jawaddi and others present at New Courts, Ludhiana. When some advocates intervened and settled the matter at that time, but Rajan Pandit kept this matter in his heart and on the same day, he called my husband through his brother Ajay Pandit and threatened to kill him and Ajay Pandit had asked my husband to be ready for consequences. This was told to me by my husband. Due to this grudge, today at around 8:15 PM, when my husband with his friend Abhishek alias Avi was going to Bhamiya side on Aactiva No. PB-10-FD-2479, then Rajan Pandit, Sumit Khanna, Deepu, Sachin Bhatij, Sankit, Sagar, residents of Gopal Nagar, Tibba Road, Ludhiana and 5/6 unknown persons who were motorcycles armed with riding different deadly weapons surrounded my husband and his friend at the stand of village Bhammian and Rajan Pandit hit my husband on his head with an iron Dattar in his hand, Sumit Khanna hit my husband on his face with an iron Dattar in his hand, Sachin Bhatij also hit my husband on his head with a Kirpan in his hand And Sankit hit my husband's face with an iron rod in his hand and unknown people who had iron rods in their hands also hit different parts of my husband's body and they also inflicted injuries to the friend of my husband. My husband and his friend shouted Marta-Marta. My husband's friends Sandeep Singh, Gurwinder Singh and Karan Narang also reached on the spot. They have seen the occurrence with their eyes. Karan Narang took my husband to Fortis Hospital for treatment. Where the doctors declared my husband dead. That my husband's friend Abhishek alias Abhi who has sustained fatal injuries on his head and is undergoing treatment at Fortis Hospital. Dead body of my husband has been kept in Mortuary of Civil Hospital. My husband have been killed with deadly weapons by Ajay Pandit, Vishal Sood, Simran Sood wife Vishal Sood and Chandni Bharti with the help of Rajan Pandit, Sumit Khanna,



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Sachin Bhatij, Deepu, Sankit, Sagar and 5/6 unknown persons after consulting each other. Please take action against them and give me justice.”

9. A perusal of the FIR which stands reproduced hereinabove reveals that on 10.10.2022 during a Court hearing the deceased and his friends had some arguments with the accused including the petitioner. Although some advocates intervened and settled the matter, however, the petitioner harboured a grudge. Later that day, the petitioner through his brother, called the deceased and threatened to kill him. The brother of the petitioner also warned the deceased to be prepared for the consequences. Later in the evening of 21.10.2022 around 08:50 P.M. while the deceased along with his friend were going on their two wheeler, they were surrounded by the accused including the petitioner who were all armed with deadly weapons. The petitioner played a pivotal role in the attack. Allegedly he struck the deceased on the head with an iron datar while the co-accused beat him up and attacked him on various parts of his body. The friend of the deceased too was not spared and attacked by the accused party. On a hue and cry raised, some acquaintances of the deceased were attracted to the spot who then removed him as well as injured Abhishek to the hospital where the deceased was declared dead. Prima facie, it does come across as a premediated attack. This Court, therefore, is not inclined to extend the extraordinary concession of anticipatory bail to the petitioner.

10. As a sequel to the above, the instant petition is hereby dismissed.

11. However, it is made clear that anything observed

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hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.07.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No