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

**CRM-6241-2025 in/and
CRM-M-8537-2025
DATE OF DECISION: 11.03.2025**

RAJAN GIRI ALIAS RAJAN BAWA ...PETITIONER

Versus

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shubham Bhardwaj, Advocate and
Mr. Varda, Advocate for the petitioner(s).

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

CRM-6241-2025

This application has been filed under Rule 3-A(i) of the Chapter 6 Part B Volume V of the High Court Rules and orders for grant of leave to filing the present case without number of Roll of advocate.

For the reasons mentioned in the application, the application is allowed.

1. Prayer

This petition has been filed under Section 483 of the BNSS, 2023 seeking the concession of regular bail for the petitioner in FIR



No.64 dated 28.03.2021 under Sections 307, 324, 148 and 149 IPC registered at Police Station Khanna, District Ludhiana.

2. Prosecution story set up in the present case as per the version in the FIR reads as under :-

'Statement of Anil Kumar Sharma son of Dhanpat Rai, resident of Jagat Colony, Street No. 3, Ward No. 4, Lalheri Road, Khanna, Mob. 84370-00401. Stated that I am resident of above said address and is working at Municipal Council, Khanna. I have three sons namely Nikhil Sharma, Chirag Sharma and Hitesh Sharma. My younger son namely Nikhil Sharma is sitting in the parking at Guru Amar Dass Market, Khanna. Rajan Bawa used to threaten my younger son Nikhil Sharma by different methods. Due to this, one FIR has already been registered against Rajan Bawa. Today, as daily routine, my son Nikhil Sharma was sitting in the parking of Guru Amar Dass Market, Khanna, then Rajan Bawa along with Monu, both sons of Kashmir Giri, Sanju, Ramma both sons of Billu Khokhe Wala, residents of village Majri, P.S. Sadar Khanna, District Ludhiana, Sunny son of Loon, Shehzad (grandson of Bibi Fatima) both residents of Peerkhana Road, Khanna, Gora, Billa both residents of village Rasulra, P.S. Sadar Khanna, District Ludhiana and 3-4 unknown persons having iron sickles in their hands, iron rods, sword and wooden sticks came and attacked with intention to kill my son Nikhil Sharma and hit him with iron sickles, iron rod and sword on his head, arms and legs, while my son fell down on ground, all of them beat up my son mercilessly. When the people gathered at the spot tried to escape him, the above persons ran from the spot by throwing away their weapons at the spot. I immediately brought my son to Civil Hospital, Khanna from where he was referred to Rajinder Hospital, Patiala. I recorded my statement to you. Legal action be taken against above said person for attacking my son with a motive to kill him. Statement is recorded, listened and admitted as correct. Sd/- Anil Kumar Sharma Verified by Harry Sharma Attested by Akash Dutt, SI SHO, P.S. City-2 Khanna dated 28.03.2021. Police



Action-I SI/SHO along with ASI Sarjangdeep Singh 401/Khauna, ASI Sukhdev Singh 759/Khanna, HC Amarjit Singh 674/Khanna, PHG Karanvir Singh 17253 in government vehicle Sumo Nio. PB-23-H-3444 being driven by HC Amarjit Singh 674/Khanna was on patrolling present at Main Road Khanna-Ludhiana near Lalheri Chowk, then Anil Kumar Sharma reached and recorded his statement and after recording his statement, the same was read over and explained to him and he signed the same after admitting it correct and his signature was verified by his son Hitesh Sharma and I SI attested the same. From the statement, offence U/Ss 307, 323, 324, 148, 149 IPC has attracted and the statement was send through PHG Karanvir Singh 17253 at Police Station to register the case against Rajan Bawa, Monu sons of Kashmir Giri residents of Khattikan Chowk, Khanna, Sanju, Ramma sons of Billa Khokhe wala, residents of village Majri, P.S. Sadar Khanna, Sunny alias Loon, Shehzad (grandson of Bibi Fatima), residents of Peerkhana Road, Khanna, Gora, Billa residents of village Rasulra, P.S. Sadar Khanna and 3-4 unknown persons. Case should be register on the statement and information be given. Information should be given to DCR. Special reports should be issued. I SI along with my colleagues, am going to the spot. Sd/- Akash Dutt SI SHO P.S. City-2 Khanna dated 28.03.2021 within limits of Lalheri Chowk, Khanna. At 7.45 PM. On receiving the statement today, above said case under above said offences has been registered against above said accused. Original statement along with copy of FIR is being sent through above said PHG for the investigating officer at the spot. Special reports through PHG Gurmukh Singh 17926 are being sent to Illaqa Magistrate and senior officers. Information to DCR Khanna is given.'

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case and rather the



complainant was carrying an unlicensed weapon at the time of the commissioning of the offence. He further argues that complainant is involved in 5 cases of different nature.

On behalf of the State

On the other hand, learned State Counsel appearing on advance notice, accepts notice on behalf of respondent-State and has filed the custody certificate of the petitioner, which is taken on record and has argued that petitioner along with his other co accused persons has caused serious injuries to one Nikhil Sharma which were declared dangerous to life and also the custody period undergone by the petitioner is on lesser side i.e only 9 months.

4. Analysis

In everyday terms, the principle of law dictates that bail is the general rule, while jail is the exception. However, this Court acknowledges that the power to grant or deny bail is extraordinary and must be exercised with caution. It is well-established that when considering a bail application (whether pre-arrest or regular bail), the Court must form a prima facie opinion as to whether reasonable grounds exist to support the accusation, or if the accusation is frivolous and baseless possibly made with the intention of harming or humiliating the individual, or falsely implicating them in the crime. This evaluation must be conducted in the light of self-imposed restrictions and the broader legal parameters outlined.

This Court is mindful that, according to the legal mandate rendered by Hon'ble Supreme Court in Criminal Appeal No. 3840 of 2023, titled "***Saumya Churasia versus Directorate of Enforcement,***



decided on 14.12.2023”, when considering a bail application, the Court is not obligated to meticulously examine the evidence gathered by the Investigating Agency. However, the Court must consider several factors, including the nature of the accusation, the type of evidence collected in support, the severity of the punishment for the alleged offences, the character of the accused, the unique circumstances surrounding the accused, the likelihood of securing the accused’s presence during trial, the possibility of witness tampering, and the broader interests of the public or State. In the light of these factors, when assessing a bail application, the Court is required to form a prima facie opinion based on these broad guidelines, without delving into the merits of the evidence, as doing so could potentially prejudice the rights of both the accused and the prosecution.

Coming back to the case in hand wherein the petitioner has been attributed serious injuries and the same are declared dangerous to life, seeing the gravity of the offence and the nature of the weapon involved wherein the petitioner was armed with gandasa gave blow on left side of head is sufficient enough for this court to form prima facie an opinion that letting the petitioner out on nascent stage would not be just, though challan stands presented on 07.06.2024, charges are yet to be framed and petitioner has only undergone 9 months of custody so far. Furthermore, the petitioner’s criminal history, marked by involvement in two other cases one of similar case, raises serious concerns about the likelihood of re-offending.



5. Decision

Keeping in view the afore-said facts and circumstances and nature of averments, the petitioner does not deserve the concession of regular bail.

Hence, the present petition is hereby, dismissed.

(SANDEEP MOUDGIL)
JUDGE

11.03.2025
anuradha (a)

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>