



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.62596 of 2024
Date of decision: 23.01.2025

Sajan Sharma ... Petitioner

Vs.

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sidhant Vermani, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Ashish Aggarwal, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
115	05.09.2024	Khalra, District Tarn Taran	103 (1), 190 and 191 (3) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and 25 and 27 of Arms Act, 1959

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2. Adumbrated facts as narrated in the FIR are that on the night of 04.09.2024, the complainant Roop Singh was present in his house with his family members as well as family members of his nephew Nishan Singh and Nishan Singh i.e. victim when the present petitioner along with co-accused Rajan Sharma, Sukhdev Raj and Anju Rani reached there in a Kwid make car. The accused Rajan Sharma entered inside his house while holding one 12 bore double barrel gun in his hand and told the victim to accompany him to the house of Gurlal Singh to attend some function. Initially, Nishan Singh refused to go with him but on insistence of Rajan Sharma, he accompanied him in his car. At about 9:40 PM, the complainant received a call on his cell number from the accused Rajan Sharma intimating that the victim had sustained some firearm injury in his chest. The complainant along with his family members rushed towards the house of Gurlal Singh which was in Village Khalra and on reaching there found the victim lying in the courtyard, in an injured condition. He was rushed to nearby hospital but was referred to some other hospital in Amritsar for treatment and was taken to Amritsar Varka Bypass Hospital but was declared to be dead. The complainant alleged that the accused Rajan Sharma, Sukhdev Raj and the petitioner had an altercation with the victim about one year back and he was sure that nursing a grudge, they had intentionally killed the victim.

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3. After registration of FIR, investigation proceedings were initiated. The inquest proceedings and postmortem examination of the dead body were conducted. The accused Rajan Sharma was arrested on 08.09.2024. He suffered a disclosure statement on the basis of which Jaswant Singh @ Jassa was nominated as an accused and he too was arrested on the same date. Another accused namely Sagar was also nominated. On 25.09.2024, witness Jashanpreet Singh son of Swaran Singh recorded a statement disclosing that he had seen the present petitioner and co-accused while quarrelling with the victim on the fateful night and within his sight, the present petitioner handed over a loaded gun to the co-accused Rajan Sharma. The accused Jassa Singh had made an exhortation and then Rajan Sharma had fired shot thereby hitting the victim. After completion of investigation, challan was presented as against the accused Rajan Sharma and Jaswant Singh and presently, they are facing trial for commission of aforementioned offences. The present petitioner could not be apprehended. He had moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Tarn Taran vide order dated 29.11.2024.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No specific overt act has been attributed to him. He did not participate in the occurrence. The victim had

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died by sustaining a firearm injury at the hands of the co-accused. He has been nominated as such on the basis of statement recorded by Jashanpreet Singh after a gap of 21 days from the occurrence. No recovery is to be effected from him. His custodial interrogation is not required. He is ready to join the investigation. Therefore, it is urged that he deserves to be extended benefit of bail.

5. Status report has already been filed by the respondent-State. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has vehemently argued that there are serious allegations against the petitioner who hatched a conspiracy with the co-accused and in pursuance thereof, the co-accused Rajan Sharma had fired a shot with double barrel gun on the victim thereby causing his homicidal death. There are grave allegations against the petitioner. His custodial interrogation is required for thorough investigation in the matter by the police. Even otherwise, no sparing and extraordinary circumstance for extending benefit of pre arrest bail has been made out in favour of the petitioner. Accordingly, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record.

7. The petitioner is alleged to have hatched a conspiracy with the

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co-accused in pursuance of which the victim had died due to sustaining a firearm injury at the hands of the co-accused Rajan Sharma. The allegations are that it was the petitioner who had handed over the firearm to the co-accused and had instigated the murder of the victim. The allegations against the petitioner are such which certainly require deeper probe to find out the factum of complicity of the petitioner in the subject crime. So far as the question of grant of anticipatory bail to the petitioner is concerned, the well settled proposition of law is that the powers for grant of pre arrest bail are to be exercised in sparing and extraordinary circumstances by the Court. While considering an application for grant of bail, the Court ought to be guided by considerations such as nature and gravity of the offences, the role attributed to the applicant as well as the facts of the case, while considering the question whether to grant the relief or not. The custodial interrogation of a suspected person is even otherwise of tremendous advantage in disinterring useful information. It is equally well settled that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect which is well ensconced with favourable order of pre arrest bail. In the present case, no exceptional or extraordinary circumstance has been made out to extend benefit of pre arrest bail to the petitioner. Keeping in view the nature of the attribution made to the petitioner and the above discussed facts but

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without meaning to make any comment on the merits of the case lest they prejudice the case of the prosecution/accused, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

23.01.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No