

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

CRM-M-36095-2024
Reserved on: 04.03.2025
Pronounced on: 21.03.2025

Ajay Rana @ Khurpa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Siddarth, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
191	15.11.2023	Civil Lines, Patiala	302, 324, 506, 34 IPC

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.
2. In paragraph 18 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

“This case was registered on the statement of Ajay Kumar S/o Pritam Chand R/o Green Lehal Colony, Patiala, age around 27 years, mobile No. 79866-XXXXX written by INSP Harjinder Singh, SHO P.S. Civil Line, Patiala sent by hand through CT Paramveer Singh 1694 for registration of case against Ankit S/o Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias Khurpa S/o Ramesh Kumar residents of Green Lehal Colony, Passi Road, Patiala and two unknown Juice Walas was received at Police Station, the contents of which is, "Statement of Ajay Kumar S/o Pritam Chand R/o Green Lehal Colony, Patiala, age around 27 years, mobile No. 79866-XXXXX. Stated that I am resident of the aforesaid address and I do duty as J.E. in Land Security Department at Barnala. Today at around 7-30 p.m. we were present in our house when in front of our house's gali on Passi Road Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias Khurpa S/o Ramesh Kumar who were fighting with Jatin S/o Sandeep Kumar, Ishu S/o Inder and Sheetal S/o Bunty residents of Green Lehal Colony, Passi Road, Patiala. The aforesaid Jatin had called up my younger brother Deepak on phone and had said that Ankit S/o Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias

Khurpa S/o Ramesh Kumar and two other persons are fighting with us without any thing. On which I along with my father Pritam Chand and my younger brother Deepak had reached the spot for getting them free on road in front of our house's gali where Ankit, Vishal, Prince, Ajay alias Khurpa who were beating Jatin S/o Sandeep Kumar and Jatin was injured. When we were about to get them free from fight then Ankit had attacked with his hand held knife (chhura) on my father Pritam Chand with the intent to kill which had hit my father on his thigh and Ajay alias Khurpa had attacked with his hand held knife (chhura) on the nals of my father Pritam Chand and Prince had attacked with his hand held knife (chhura) on the bicep of my left arm and Kirna W/o Kala had attacked with her hand held brick on my brother Deepak's shoulder and two unknown persons who install fruit rehri, had beaten us with dandas. My father Pritam Chand had fell down due to excess injuries and we all had shouted 'maarta...maarta'. This Ankit S/o Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias Khurpa S/o Ramesh Kumar residents of Green Lehal Colony, Passi Road, Patiala along with two unknown persons had sped away from the scene of crime along with their weapons while threatening to kill us. Then I, my mother and elder brother had arranged for e-Rickshaw and had made reached my father Pritam Chand to Government Rajindra Hospital, Patiala where the doctors had declared my father Pritam Chand dead. I and my brother Deepak had witnessed whole of this incident with our own eyes and the reason of enmity is that around 02 months back we had a fight with Ankit ete, in which the mohalla residents had made us reached a mutual agreement. But Ankit even then had enmity inside him about it. Due to which reason Ankit S/o Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias Khurpa S/o Ramesh Kumar together with two unknown juice walas had fought with us today, have caused injuries to us and have killed my father Pritam Chand and have caused injuries to us too. Today I have got written my statement in the presence of my brother Deepak. Action may be taken. SD/ Ajay Kumar, Statement corroborated Sd/- Deepak 73555-XXXX, Attested INSP/SHO Harjinder Singh, SHO, P.S. Civil Lines, Patiala, Date 15.11.2023. Police Proceedings: Today a telephone call was received from Chowki Rajindra Hospital, Patiala that Dr. Vineet, Rajindra Hospital, Patiala has informed that the deceased Pritam Chand S/o Prem Chand R/o Green Lehal Colony, age around 52 years has been brought dead at Rajindra Hospital, Patiala. An I/O may be sent for undertaking further proceedings. On which I/INSP along with Insp. Harbhajan Singh 324, ASI Balkar Singh 101, ASI Manjit Singh 2862, SCT Gurpreet Singh 315, Ct. Rajveer Singh 3154, Ct. Jain Singh 1724, Ct. Paramveer Singh 1694 had reached Government Rajindra Hospital, Patiala on private vehicles, when the MHC Police Station had got noted through mobile phone that Dr. Chamandeep Kaur, Rajindra Hospital, Patiala has informed that injured Ajay S/o Pritam Chand, age around 27 years has got admitted due to being injured in some fight. An I/O may be sent for undertaking further proceedings. Since the incident of fight of the aforesaid deceased Pritam Chand and injured Ajay Kumar is the same hence injured Ajay Kumar S/o Pritam Chand's MLR No. MLR/CK/59/NOV/2023 dated 14.11.2023 was obtained from Chowki Rajindra Hospital, Patiala and written opinion was taken from the doctor for taking down the statement of injured Ajay Kumar, who had written the injured Ajay Kumar to be fit for giving statement. Then injured Ajay Kumar's statement was written word to word as narrated by him and then the same was

read and made understand to him, who, after hearing and on assuming it to be correct had then signed in English under his aforesaid statement and his brother Deepak while corroborating the statement had also signed in English. In MLR No. MLR/CK/59/NOV/2023 dated 14.11.2023 pertaining to injured Ajay Kumar only one injury has been indicated to have been inflicted, which is sharp. From the statement and aforesaid the MLR an offence U/s 302,324,506,148,149 IPC is made out. Hence the statement is sent by hand through Ct. Paramveer Singh 1694 to the Police Station for getting registered a case for the aforesaid offence against Ankit S/o Kala, Kirna W/o Kala, Prince S/o Chhinda, Ajay alias Khurpa S/o Ramesh Kumar residents of Green Lehal Colony, Paasi Road, Patiala and two unknown juice walas. After registering the case the file number may be intimated. The Incharge, Control Room may be informed. Special Reports may be issued. I/INSP along with colleagues and taking along complainant in the case proceed towards the scene of crime for investigation. At: Rajindra Hospital, Patiala AT: 01:15 A.M. Sd/-INSP/SHO Harjinder Singh, P.S. Civil Line, Patiala. On which it was started to register aforesaid case against the aforesaid persons in the rojnamcha, which was completed. The necessary formalities in the record were completed. Special Reports are being sent to the Hon'ble Illaqa Magistrate and other senior officers by hand through ASI Kuldeep Singh 2733/PTL and the I/C, Control Room, Patiala is being informed through wireless message. The case file along with original statement is sent by hand through Ct. Paramveer Singh 1694 to INSP Harjinder Singh, SHO, P.S. Civil Line, Patiala, on the spot for further investigation.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.
5. The State's counsel opposes bail and refers to the status report.
6. It would be appropriate to refer to the following portions of the status report, which read as follows:

“ROLE OF THE PETITIONER.

23. That the petitioner, Ajay Rana alias Khurpa, was actively involved in the fatal attack that occurred on 14.11.2023 at approximately 7:30 PM on Passi Road, Patiala. As per the complainant's statement, the petitioner along with co-accused Ankit, Kirna Devi, Prince and two others were engaged in a fight with Jatin, Ishu, and Sheetal when the deceased Pritam Chand and his sons arrived at the scene to intervene. During this violent confrontation, while co-accused Ankit allegedly inflicted the fatal knife injury to Pritam Chand's thigh severing his femoral vessels, the petitioner was an active participant in the premeditated attack which was motivated by a grudge stemming from a fight that had occurred two months prior. Following the commission of the offence, the petitioner, in collaboration with co-accused Prince, deliberately concealed the weapon to obstruct the investigation.

THE EVIDENCE AGAINST THE PETITIONER

24. That the prosecution has substantial evidence against the petitioner, including the eyewitness testimony of the complainant

Ajay Kumar who has positively identified the petitioner as one of the assailants present at the crime scene. Crucially, the petitioner made a disclosure statement under Section 27 of the Evidence Act stating that on 14.11.2023, during the fight, he had hidden the blood-stained Kirch (dagger) used during the murder under grass and bushes near the watercourse's paved edge in the Environmental Park with the help of his accomplice Prince. This disclosure led to the successful recovery of the said weapon on 20.11.2023 in the presence of police witnesses, with the recovery memo prepared according to procedure. The involvement of the petitioner is further corroborated by the independent disclosure statement of co-accused Prince confirming their joint act of concealing the murder weapon. The forensic examination of the recovered weapon by CFSL, Chandigarh is pending, which will provide additional scientific evidence linking the petitioner to the crime.

25. That the post-mortem report (No. BD/MK/AK/PMR/50/23) confirms that the cause of death was hemorrhage and shock resulting from a stab wound measuring 2.6 x 1.5 cm on the front of the left thigh, which cut the femoral vessels. This injury was sufficient to cause death in the ordinary course of nature.'

REASONING:

7. Counsel for the petitioner made following arguments. Petitioner seeks bail on the grounds of parity with co-accused who was granted bail by a Co-ordinate Bench vide Annexure P-4. State counsel dispels such argument by submitting that co-accused was granted bail because she is a woman and her role was different, as such petitioner is not entitled to bail on parity with co-accused. I have perused the order of bail granted by Co-ordinate Bench of this Court in CRM-M-30031-2024. The reasons given by the Co-ordinate Bench are mentioned in para no.6 which reads as follows:-

“6. The petitioner is 45 years old with no previous criminal antecedents and the injuries to the deceased-Pritam Chand have been attributed to the other co-accused. It is only been alleged that she has caused a brick blow injury on the shoulder of Deepak. Accordingly, this Court considering the facts and circumstances of the present case and in view of the fact that trial is likely to take some time does not find any reason to extend the incarceration of the petitioner any further.”

8. Perusal of the same reveals that co-accused was not granted bail on the grounds that she is a woman but she has been granted bail because of her role. Petitioner also claims to have no criminal antecedents. Perusal of the reply mentioned above at para no.5 clearly mentions that Ankit had given knife blow on Pritam Chand which had hit thighs near private part whereas Prince had given knife blow on left arm. Subsequently, petitioner also gave blow with knife on private part of Pritam Chand. Thus the allegations against the petitioner are specific that he had given knife blow at the private part of Pritam Chand. Thus, he is not entitled to bail on parity with co-accused against whom allegations were only brick blow on the shoulder. Even perusal of the medical report reproduced in para no.10 finds an injury on the left thigh. Since the injury on the thigh

near private part is attributed to two persons namely Ankit as well as petitioner, thus, the petitioner is not entitled to bail on the grounds of parity. Perusal of the reply clearly mentions petitioner's involvement and the allegations are with the aid of Section 34 IPC. There is an allegation of attribution of knife blow on the portion near private part. At the stage of bail in the absence of cross-examination, it cannot be said with certainty that the injury was received either on private part or the thigh below the private part. Thus, this Court cannot grant bail on the ground that even Ankit's blow landed near private parts and no injury on the private part per se. Be that as it may, the cause of death is the injuries inflicted by knife near the private parts. Perusal of post mortem report points out that the cause of death was hemorrhage shock and nature of weapon was sharp. The time between death and injury was few minutes which points towards intensity of attack. Thus, petitioner is not entitled to bail on merits. Allegations are supported by an eye witness account. Before discussing the other legal points for bail on merits, it would be appropriate to refer to CRM No.7035 of 2025 for interim bail in which he seeks bail for 30 days because of death of his mother. Fact regarding death has not been disputed that petitioner's mother had expired on 14.02.2025. After the death, in this part of the country, the rituals usually are completed within 18 days. Petitioner's mother had expired on 14.02.2025 and 18 days have already passed. Thus, petitioner is not entitled to even interim bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. The petitioner's custody of around one year and four months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is life imprisonment.

11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

21.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.