

**Court No. - 66**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 16094 of 2024

**Applicant :-** Bhudev

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Jai Raj

**Counsel for Opposite Party :-** G.A.

And

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 16105 of 2024

**Applicant :-** Suraj Singh

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Rajendra Kumar Dubey, Santosh Kumar Pandey

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Manju Rani Chauhan, J.**

1. Heard Mr. Jai Raj and Mr. Rajendra Kumar Dubey, learned counsel for the applicants and Mr. Mayank Awasthi, learned counsel for the State.

2. The applicant - **Bhudev** has preferred Bail Application No. 16094 of 2024 for grant of bail in Case Crime No.519 of 2023, under Section 306 IPC, Police Station – Shahganj, District – Agra, and applicant - **Suraj Singh** has filed Bail Application No. 16105 of 2024 with a prayer to release him on bail in Case Crime No.178 of 2023, under Sections 498A, 306 IPC, Police Station – Shamshabad, District – Farrukhabad.

3. Though initially, first information reports were lodged under Section 302 IPC, however, after investigation the Investigating Officers, in respective cases, have converted the offence under Section 306 IPC. Material collected by Investigating Officers do not show whether the deceased had consumed poison by herself or she was administered poison by the accused persons.

4. The present scenario unfolds a distressing tale of procedural irregularities and unwarranted actions by the investigating officer, who, devoid of substantive evidence, has hastily filed a chargesheet under Section 306 of the Indian Penal Code (IPC). Within the jurisdiction of this esteemed court, such occurrences have become alarmingly frequent, where cases are treated with an air of casual convenience, transforming what should be a diligent pursuit of justice into a perfunctory exercise of labeling cases as open-and-shut, despite the glaring absence of concrete evidence.

5. In particular, the Court has observed a disturbing trend wherein chargesheets are indiscriminately submitted, especially in cases of murder, without due diligence in evidence collection. This lamentable practice not only undermines the sanctity of the legal process but also jeopardizes the fundamental principles of justice and fairness upon which our legal system stands.

6. In light of these troubling developments, it becomes imperative for the Director General of Police to intervene and issue comprehensive guidelines to rectify these systemic deficiencies. Such guidelines should emphasize the paramount importance of thorough and impartial investigations, underscoring the need for evidence-based decision-making in the filing of chargesheets.

7. Furthermore, it is incumbent upon the authorities to hold investigating officers accountable for their actions, particularly in instances where their negligence or malfeasance leads to the miscarriage of justice. This accountability mechanism serves as a deterrent against the arbitrary exercise of power and reinforces public trust in the integrity of law enforcement agencies.

8. In essence, the factual matrix of the case underscores the urgent need for judicial intervention to uphold the principles of justice, ensure procedural fairness, and safeguard the rights of the accused. The forthcoming judgment in this matter must serve as a clarion call for reform, compelling the concerned authorities to uphold the highest standards of integrity and professionalism in the administration of justice.

9. Let the Investigating Officers, in both instant cases, be present before this Court on the next date along with the entire record to explain their prudence they spelt out during investigation and converted the offence of Section 302 into Section 306 IPC.

10. Put up this case on **13<sup>th</sup> May, 2024**, as fresh.

11. To acquaint the Director General of Police, U.P., Lucknow with the matter in question, a copy of this order be sent to him.

12. Registrar (Compliance) shall communicate this order to the learned Government Advocate and the Director General of Police, U.P., Lucknow.

**Order Date :- 25.4.2024**

Jitendra/-