

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10844 of 2015

Date of decision: April 24, 2015

Ram Lal

.... Petitioner..

Versus

State of U.T., Chandigarh

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.S. Cheema, Sr. Advocate with
Mr. Rajiv Trikha, Advocate,
for the petitioner.

Mr. Rajiv Sharma, Addl. P.P.,
for U.T., Chandigarh.

Jaspal Singh, J.

The instant petition has been moved under Section 439 of the Code of Criminal Procedure by Ram Lal, son of Shri Dhuda Ram, presently lodged in Model Jail, Chandigarh, seeking bail, in case FIR No. 530, dated 17.10.2014, under Sections 302, 34, 120-B, 419 and 471 IPC and Section 25 of the Arms Act, 1959 (for short, 'the Act').

2. Instant case stands registered on the basis of statement of Ms. Avneet Kaur (sister of deceased), made to police on October 21, 2014, unfolding that she is a student of B.Sc. (Nursing), Ambika College, Kharar, District Kharar (Punjab). Her sister, Ms. Puneet Sandhu had been residing on rent in Flat No. 720, PSB Society, Sector 49-A, Chandigarh for the last about four years, who fell in love with a boy

named Amit, son of Ram Lal (petitioner). Amit, started visiting her sister and they have been living together. Amit was already married and had two children. Due to said reason, he could not marry her sister despite the fact that Amit intended to marry her. It has further been stated by her that some months back, her sister (deceased) disclose her (complainant) as well as her mother that Amit's father namely, Ram Lal had been extended threats to the deceased to leave the company of his son otherwise he would either kill her or get her killed. She suspected that murder of her sister has been committed or got committed by Amit or his father Ram Lal.

3. After registration of case, statement of Ms. Avneet Kaur (complainant) was recorded under Section 164 Cr.P.C., which discloses that Ms. Puneet Sandhu (deceased) had a talk with Ram Lal only once about 1½ year ago and further they have not met with each other. Allegation of conspiracy was specifically levelled by Ms. Avneet Kaur (complainant) qua Anju, sister of Amit. During investigation of case, statement of mother of deceased, namely Lakhwinder Kaur was also recorded, who simply raised suspicion. However, petitioner-Ram Lal, Anju Walia, Supreet Dilawar and Manpreet Singh @ Lali, whose names figured during investigation of the case for the commission of offence, were arrested. They were subjected to custodial interrogation. Statements of Supreet Dilawar and Manpreet Singh @ Lali were also recorded under Section 27 of the Evidence Act. After investigation of case, challan was presented.

4. The contention of learned counsel for petitioner is that

petitioner has been falsely implicated in this case, who has otherwise nothing to do with commission of alleged murder of Ms. Puneet Sandhu. Though, investigating agency has tried to rope in petitioner by attracting Section 120-B IPC but to the utter surprise, there is not an *iota* of evidence but despite that fact, petitioner was arrested and subjected to custodial interrogation but nothing could be elicited from him. He is suffering incarceration since the date of his arrest i.e. October 20, 2014. Allegation against petitioner, as per FIR is only that he extended threats to deceased to leave company of his son Amit, otherwise, he would either kill her or get her killed, about one year and six months earlier but never met either to the deceased or the complainant even as per the statement of Ms. Avneet Kaur. Similarly, Lakhwinder Kaur, mother of deceased has only raised suspicion and unfolded in her statement that murder of her daughter appears to have been committed by Amit, his father and his family members. Otherwise, there is no incriminating evidence collected by investigating agency.

5. It has further been submitted by learned counsel for petitioner that prosecution has further relied upon disclosure statements of co-accused Supreet Dilawar, recorded on October 18, 2014 and on October 20, 2014. Second statement was recorded after the arrest of petitioner. A perusal of which clearly shows that Ms. Anju Walia and her father Ram Lal (present petitioner) had expressed their helplessness several times before him that Amit did not listen to them and root cause for quarrel was Amit's friend Ms. Puneet Sandhu and if somehow, she is finished at whatever cost, Amit would return to them on his own,

whereas there is nothing in the disclosure statement qua the petitioner. However, no role or participation of the petitioner has appeared in the disclosure statement suffered by Manpreet Singh @ Lali.

6. While concluding arguments, it has been submitted by learned counsel for petitioner that it was a blind murder and petitioner has been implicated falsely by police, otherwise, there is nothing to show that he conspired with his co-accused or had any hand in the commission of murder of Ms. Puneet Sandhu. He is suffering incarceration since October 20, 2014. He is ready to abide by all the terms and conditions imposed by this Court, in case he is granted concession of bail.

7. Per contra, Mr. Rajiv Sharma, Advocate representing U.T., Chandigarh has alleged that there are serious and specific allegations against petitioner that he has hatched a conspiracy with his daughter Anju Walia and his other co-accused namely, Supreet Dilawar and Manpreet Singh @ Lali to eliminate Ms. Puneet Sandhu as she was in live-in-relationship with Amit, his son, which was the root cause of tension in the family of petitioner. It was only in pursuance of said conspiracy, co-accused of petitioner got committed murder of Ms. Puneet Sandhu. However, he has admitted that except the statements of Ms. Avneet Kaur, Lakhwinder Kaur (mother) and disclosure statement of Supreet Dilawar, there is no other evidence qua petitioner's involvement. He prayed for the dismissal of petition.

8. This Court has given an anxious thought to the aforesaid submissions made by learned counsel for parties and has perused

record available.

9. Undisputably, entire case of prosecution is based upon circumstantial evidence as it was a blind murder of Ms. Puneet Sandhu, who was in live-in-relationship with Amit, son of petitioner. The entire case is based upon the testimonies of above referred witnesses as well as alleged disclosure statements of Supreet Dilawar and Manpreet Singh @ Lali. Nothing has emerged in the statement of Manpreet Singh @ Lali. There is also nothing in alleged disclosure statement of Supreet Dilawar that petitioner actually participated or hatched a conspiracy for commission of murder of Ms. Puneet Sandhu. Petitioner appears to have been arrested by police just on the basis of suspicion raised by Mrs. Lakhwinder Kaur, mother of deceased. The evidence, so, collected by investigating agency only raises a finger of suspicion towards Anju Walia. It is also a debatable question whether so called disclosure statements of Supreet Dilawar and Manpreet Singh @ Lali co-accused would be admissible qua petitioner. Similarly, it is yet to be established that whether petitioner hatched a conspiracy with his co-accused or played any role for the alleged commission of murder of Ms. Puneet Sandhu, especially in view of various submissions made by Id. defence counsel. Moreover, petitioner is suffering incarceration since October 20, 2014. Report under Section 173 (2) Cr.P.C. has already been presented. Certainly, disposal of challan would take sufficient long time.

10. In view of the discussion made above and without expressing any opinion on the merits of the case, this Court is of the considered view that petitioner deserves concession of bail. Accordingly,

petition is allowed and petitioner-Ram Lal is ordered to be released on bail, during pendency of trial, subject to his furnishing requisite bail bonds, at the satisfaction of Id trial court/Duty Magistrate, Chandigarh.

11. Needless to mention that nothing observed, herein above, would reflect, in any manner, on the merits of the case as the same has been so observed for a limited purpose of deciding the present petition.

April 24, 2015
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(JASPAL SINGH)
JUDGE