

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-42413 of 2014

.....

Date of decision:23.1.2015

Ved Ram and others

.....Petitioners

v.

State of Haryana and another

.....Respondents

....

Present: Mr. R.S. Cheema, Senior Advocate with Mr. R.S. Trikha,
Advocate for the petitioners.

Mr. Deepak Grewal, Deputy Advocate General, Haryana
for the respondent-State.

Mr. T.C. Tanwar and Mr. R.K. Saini, Advocates for
respondent No.2.

.....

Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in criminal complaint case No.56 dated 11.3.2013, titled as “Rajender v. Ved Ram and others”, filed for the offences under Section 302 and 34 IPC, pending in the Court of learned Judicial Magistrate Ist Class, Sonipat.

Notice of motion has been issued in this case.

Mr. Deepak Grewal, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and Mr. T.C. Tanwar and Mr. R.K. Saini, learned Advocates have appeared for respondent No.2 and contested this petition.

I have heard learned senior counsel for the petitioners and learned Deputy Advocate General, Haryana appearing for the respondent-State and learned counsel for respondent No.2 and have gone through the record.

First of all, this is a complaint case and in the complaint case, the petitioners are not required for investigation and custodial interrogation purposes nor anything is to be recovered from them.

Learned senior counsel for the petitioners argued that Nivedita daughter of Ved Parkash (petitioner No.1) was married with Gopal on 8.12.2010. She was killed by Gopal on the intervening night of 1/2.12.2012 and the FIR for the offence under Section 304-B IPC has been registered, in which case the present complainant had taken the defence, which is stated in the present complaint. This defence was not believed. However, the complainant party has been acquitted in that FIR. Learned senior counsel for the petitioners further argued that on that very night, the husband of the deceased Nivedita, namely, Gopal committed suicide also as he received burn injuries. He remained admitted in Pt. B.D. Sharma Post-Graduate Institute of Medical Science, Rohtak till 10.12.2012. Further, after more than three months the present complaint was filed by stating that these petitioners have murdered him on that very night in anger by pouring inflammable powder vide which Nivedita was killed. Learned senior counsel for the petitioners argued that there is no dying declaration given by Gopal. There is delay in filing the complaint. The complainant was meeting the Police, but there was no allegation

[3]

made to the Police. The fact that whether the version of the petitioners is correct or the version given in the complaint is correct is to be determined on the basis of evidence produced before the trial Court.

At this stage, without discussing the facts in minute detail and without expressing any opinion on the merits of this case, I find that the petitioners are only to face the trial and they are not required for any investigation or interrogation purposes etc. The trial of the case will take long time and no useful purpose will be served by sending the petitioners to custody and keeping them in custody.

Therefore, keeping in view the facts and circumstances of the present case; I find merit in this petition and the same is allowed. The interim order dated 11.12.2014 passed by this Court granting interim bail to the petitioners is made absolute.

January 23, 2015.

(Inderjit Singh)
Judge

hsp