

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. No.M-44488 of 2015

Date of Decision: January 13, 2016

Raj Kumar @ Raja son of Surat SinghPetitioner

Versus

State of HaryanaRespondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Manoj Tanwar, Advocate for the petitioner.

Mr.Rajeev Doon, Assistant Advocate General, Haryana.

Mr.Anil Ghanghas, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

Petitioner has preferred the instant petition under Section 438 of the Code of Criminal Procedure seeking concession of pre-arrest bail in case FIR No.647 dated 28.8.2014, under Sections 328/302/34 of the Indian Penal Code, registered at Police Station Sadar Bhiwani, District Bhiwani.

2. FIR was registered on the complaint of Kuldeep Singh. It has been alleged that on 27.8.2014, at about 7.00/7.15 p.m., complainant was sitting along with his father Inder Singh at his house. Adjacent to the house were the fields of Surat Singh. Raj Kumar @ Raja (present petitioner) and Rajesh sons of Surat Singh were spraying insecticide in the fields. Since back door of the house of the complainant was open, as such, foul smell was

coming in the house. It is alleged that father of the complainant Inder Singh confronted the petitioner and his brother, and upon this, the present petitioner sprayed the insecticide a number of times on the face of Inder Singh. Inder Singh was stated to have been removed to a Hospital in Bhiwani and where, during treatment, he expired.

3. Learned counsel appearing for the petitioner would contend that it is a case of false implication as there was already a dispute between deceased Inder Singh and Surat Singh, father of the petitioner, with regard to land. Learned counsel submits that Kuldeep Sigh son of the deceased is a practising Advocate and as such, is seeking to implicate the petitioner on account of the old dispute of land which is going on between them. It has also been asserted that in the post mortem report of deceased Inder Singh, the Doctor had given opinion that cause of death is due to ingestion of poisoning and not because of spray of poisoning. It has also been pointed out that the alleged occurrence is stated to be during the evening hours of 27.8.2014, whereas FIR was registered after delay i.e. 28.8.2014 at 9.35 a.m. Also contended that the investigating agency has found the version of the complainant to be false, yet the complainant is pressurizing the senior police officials to arrest the petitioner.

4. Having heard learned counsel for the petitioner at length, this Court is not inclined to grant the concession of anticipatory bail.

5. The allegations against the petitioner are quite specific in nature and are serious. Learned State counsel has apprised the

Court during the course of hearing that the report of the Chemical Examiner has since been received and the Doctors have rendered an opinion on the basis of post mortem report as also Chemical Examiner report, in which it has been reported that the samples have tested positive for organic phosphorus in all the organs and, as such, opinion rendered is that possibility cannot be ruled out that mode of intake of poison was inhalation/spray.

6. Perusal of the order dated 24.12.2015 passed by the learned Sessions Judge, Bhiwani declining anticipatory bail to the petitioner would reveal that there are specific observations that the complainant as well as the accused (present petitioner) were subjected to a polygraph test and as per report of the Forensic Science Laboratory, the version of the complainant was found truthful and response of the accused was found to be deceptive on some issues. Such observation has not met with any rebuttal at the hands of the learned counsel for the petitioner.

7. In an over view of the matter, this Court does not find any infirmity in the impugned order passed by the Sessions Judge, Bhiwani declining concession of pre-arrest bail.

8. Petition is dismissed.

January 13, 2016
SRM

(TEJINDER SINGH DHINDSA)
JUDGE