

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

CRM-M-46118 of 2016 (O&M)

Date of decision: 19.04.2017

Jagdish and others

...Petitioners

Versus

Rohtash and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. APS Deol, Sr. Advocate with
Mr. Himmat S. Deol, Advocate for the petitioner(s).

Mr. Aditya Sanghi, Advocate for respondent No.1.

Mr. Neeraj Poswal, AAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in a criminal complaint No.198-I dated 13.05.2014, registered under Sections 302, 307, 148 and 120-B read with Section 149 of IPC, pending in the Court of ACJM, Faridabad.

It is contended that the present complaint was lodged after 1 month and 20 days of the alleged occurrence. The learned counsel refers to the statement of injured, Sachin wherein he has stated that on 24.03.2014 at about 9.40 p.m., he along with his friends, namely, Garima and Kuldip after attending a wedding party were going on a

motorcycle towards village Mohmmadpur Rohi. When they reached near culvert in the area of village Ballanwali Dhani, the motor cycle being driven by Kuldip got out of control and hit against a electricity pole resulting in serious head injuries to all three riders. As a result, Kuldip and Garima died on the spot. Even before DSP (HQ) injured Sachin reiterates his earlier version given before the Investigating Officer and the complaint filed by respondent No.1, father of deceased Kuldip, was found to be without any substance and same was filed. Thereafter, on the basis of complaint filed by respondent No.1, the present petitioners were summoned to face trial by the trial Court without any cogent or convincing material on record. Even the medical evidence itself suggests that the injuries suffered were the result of an accident.

On the other hand, the learned State counsel as well as learned counsel for the complainant oppose the bail application and state that the petitioners, in conspiracy with other, co-accused has committed the murder of Kuldip and Garima. It is a case of honour killing executed in a brutal manner, therefore, the present petition deserve to be dismissed.

Heard.

The present complaint has been lodged by the father of deceased Kuldip with specific allegation that his son and one Garima have been killed by family members of Garima, including the present

petitioner and it was a case of honour killing. It is submitted in the complaint filed by respondent No.1, Annexure P-1 that deceased Garima had a love affair with injured Sachin and they had planned to elope after attending a wedding party. It is further submitted that Sachin had called Kuldip to accompany him on the night of the incident and the next morning, respondent No.1 was informed of his son's dead body lying in the wheat fields near canal bridge on the road connecting Khajuri Jatti to Mohmaddpur. Kuldip and Garima had died on the spot but Sachin was badly injured and he was admitted to V.K. Neurocare Hospital, Hisar and he regained consciousness two weeks later. Upon waking up, he disclosed that family members of Garima, including the present petitioner had followed them in a Bolero Jeep, given beatings to them and had thrown them in the wheat fields believing them to be dead. The information regarding Sachin regaining consciousness was conveyed to police station, Bhuna but the police officials did not come for recording statements. Therefore, on the night of 13/14.04.2014, a complaint written by Sachin was got typed and was sent to Superintendent of Police, Fatehabad.

Perusal of the record would reveal that co-passenger/injured Sachin has turned hostile and denied the contents of complaint dated 14.04.2014 Ex.C1, whereas he admits his signatures on the same. The medical evidence on record does not corroborate the version of prosecution that the injuries suffered by the deceased were

on account of a road side accident. As per opinion of CW-3, Dr. Manav Sethi, who had conducted post mortem upon the deceased, the possibility of inflicting injuries by blunt weapon cannot be ruled out. Thus, in view of the peculiar facts and circumstances of the case and keeping in view the nature of offence, no case for grant of pre-arrest bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

19.04.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No