

CRM-M-13471 of 2018

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

CRM-M-13471 of 2018
Date of Decision: 02.08.2018

Gholu @ Dholu @ Bansi Lal

....Petitioner

Versus

Rohtash and another

....Respondents

CRM-M-16872 of 2018

Parveen

....Petitioner

Versus

Rohtash and another

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Atul Lakhanpal, Sr. Advocate,
with Ms. Bably Kumari, Advocate, for the petitioners.
Mr. V.K. Gupta, Advocate, and
Mr. Aditya Sanghi, Advocate, for respondent No.1.
Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

By this common judgment, I shall dispose of above-titled two petitions being arisen from the same complaint case.

Through these petitions under Section 439 Cr.P.C. prayer has been made for grant of regular bail to petitioners, namely, Gholu @ Dholu @ Bansi Lal and Parveen in a case arising from criminal complaint No.198-1 of 2014 dated 13.05.2014 titled as “Rohtash v. Parveen and others”, under Sections 302, 307, 148, 149, 201, 218 and 120-B IPC.

Briefly stated, in the night of 24.03.2014, Kuldeep, Garima and

Sachin were travelling on a motorcycle, being driven by Kuldeep, from Village Khajuri jati to Village Mohammadpur Rohi, falling in District

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Fatehabad. However, some accident took place in which Kuldeep and Garima died at the spot, whereas Sachin pillion rider survived. Sachin made a statement to the police that they had met with an accident as their motorcycle while turning struck against a electricity pole by the side of the road and thereafter hit a kikkar tree. As a result thereof, Kuldeep and Garima had died at the spot.

On the basis of above statement of Sachin, police closed the case. However, respondent No.1-complainant Rohtash father of deceased Kuldeep, being dissatisfied, filed a complaint against the petitioners under Sections 302, 307, 148, 149, 201, 120-B and 218 IPC, alleging that Sachin had not given true picture to the police. In fact, it was not a roadside accident, but has been given such colour, through it was a case of honour killing on account of love affair between Sachin and deceased Garima to whom his deceased son Kuldeep was accompanying on the motorcycle. Finding a *prima facie* case, petitioners along with other accused were summoned. They were charge-sheeted under the Sections aforesaid.

Learned counsel for the petitioners *inter alia* contends that during trial, eyewitness Sachin PW3 turned hostile, besides PW7 Sugreev @ Uggarsain before whom the petitioners had made extra-judicial confession about committing murder of Garima and Kuldeep. As on date, there is no incriminating evidence against the petitioners on record. They are in custody since 26.04.2017.

Learned State counsel, assisted by learned counsel for respondent No.1-complainant, submits that from the photographs coupled with the report of the mechanic, who had inspected the motorcycle in question, and

Various other circumstances and discrepancies in the statements of the prosecution witnesses, it is evident on the record that it is a honour killing

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case and not a accidental case. The same are to be considered by the trial Court while hearing final arguments and appreciating the evidence.

Considering overall circumstances and the fact that petitioners are behind bars for more than one year and three months, but without expressing any opinion on the merits of the case, both the petitions are allowed. Consequently, petitioners are ordered to be released on bail, on their furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

August 02, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

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