

Crl. Misc. No. M-16978 of 2018 (O&M)

Date of Decision: October 25, 2018

Jagdev Singh and others

.....Petitioners

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. P.S. Hundal, Sr. Advocate with
Mr. Dinesh Trehan, Advocate
the petitioners

Mr. Kirat Singh Sidhu, DAG Punjab

Mr. R.S. Bains, Advocate
for the complainant

Sudhir Mittal, J. (Oral)

The deceased is one Deepak Kumar son of Ramesh Chand. He was allegedly doing the work of Vastu Shastra and was residing with the petitioners at Sirhind for the last about 10 years. He went missing on 06.05.2016 and his body was recovered on 11.05.2016, resulting in registration of FIR No. 51 dated 13.05.2016 at Police Station Sirhind District Fatehgarh Sahib under Sections 306, 34 IPC. The petitioners are the accused in the said FIR.

Learned senior counsel for the petitioners has placed reliance upon cancellation report dated 30.06.2016. His argument is that the FIR was got registered on the statement of Naveen Kumar (brother of the deceased person), who alleged that the residents of the locality had told him that his deceased brother was being harassed by the petitioners on account of which he committed suicide and during the course of the investigation certain Video clips sent on WhatsApp by the deceased to one Ajay Rikhi were made available to the Investigating Agency, from which it transpired that the deceased was being harassed by the petitioners and after

examination of the said video clips, a cancellation report dated 30.06.2016 was

prepared. Now, the same video clips are being relied upon for filing a challan. The petitioners would not have got any benefit by harassing deceased Deepak Kumar and in any case, if Deepak Kumar was being harassed by the petitioners he would have approach the police himself instead of sending WhatsApp messages. The petitioners are innocent people, who provided shelter to deceased Deepak Kumar. No benefit would have flowed to them by his death. The petitioners have joined the investigation and, therefore, the interim bail granted be confirmed.

Learned State counsel submits that during the course of investigation it transpired that deceased Deepak Kumar had accumulated property and the petitioners did not want him to leave their house so that they could make use of his property. With this motive, the deceased person was being harassed so that he could transfer all his property in the name of the petitioners. WhatsApp messages sent by deceased Deepak Kumar also support the conclusion of the Investigating Agency. An SIT was constituted to carry out investigation, which has ultimately concluded that the petitioners were responsible for suicide of the deceased Deepak Kumar. Under the circumstances, custodial interrogation of the petitioners is essential for finding out the correct cause of the death of Deepak Kumar.

Mr. R.S. Bains, learned counsel for the complainant states that this is not a case of suicide simpliciter. The cause of death as indicated in the postmortem report is 'dry drowning' which indicates that death was not caused by drowning in water. The person was already dead when his body entered the water. It is also submitted that some property was purchased by deceased Deepak Kumar jointly with son of petitioner No. 1 as well as petitioner No. 1 himself. They stood to gain in case deceased Deepak Kumar was eliminated. Marriage of one of the sons of petitioner No. 1 was solemnized using the resources of Deepak Kumar deceased and this also indicates that the petitioners wanted to ensure that he never went away from their house. A deeper probe is necessary to ascertain the truth.

It is not in dispute that deceased Deepak Kumar was residing in the house of the petitioners for the last 10 years and that he had purchased some property jointly with petitioner No. 1 and his son. It can also be not disputed that death could have been caused before the body of Deepak Kumar entered the water because the medical evidence points to such a conclusion. It is, thus, obvious that the complete truth has not been revealed till now. The possibility that the petitioners became greedy can not be completely ruled out as the medical evidence indicates that it is not a case of suicide simpliciter. Thus, in my view the custodial interrogation of the petitioners is necessary for unravelling the truth.

The petition is, thus, dismissed.

October 25, 2018

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[SUDHIR MITTAL]

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No