

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

**CRM-M No. 33875 of 2018**

**DATE OF DECISION :- September 04, 2018**

**Ashok Kumar**

**...Petitioner**

**Versus**

**State of Haryana**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE H.S. MADAAN**

**Present:-** Mr. M.K. Sood, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

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This is a petition for pre arrest bail filed by petitioner Ashok Kumar, an accused in F.I.R. No. 390 dated 29.4.2018 under Sections 302, 304-B, 201, 120-B, 506 IPC registered with P.S. Sarai Khawaja, Faridabad.

Briefly stated the facts of the case as per prosecution story are that complainant Jai Parkash Verma son of Sh. Chanderpal Singh, resident of village Surajpur Post Baharpur, District Aligarh, Uttar Pradesh, aged about 27 years presently residing at Faridabad submitted an application addressed to Incharge Palla Choki, Faridabad stating therein that on 28.4.2018 at about 10.30 P.M. his wife Chetana left home without informing anybody. He searched for her but she could not be found and that Chetana be located.

On the basis of that written complaint formal F.I.R. was registered. The matter was investigated. Jai Parkash, who had lodged the F.I.R. was arrested in this case on 30.4.2018 and he suffered a disclosure statement that to the effect that he got married with Chetana on 22.4.2015, who gave

birth to two sons from his loins; that his relation with Chetana were strained; Chetana threatened that she would consume poison and implicate the entire family; that he had hatched a conspiracy with his brother and family members to kill Chetana; that as per plan, on 28.4.2018 at night he killed his wife by strangulating her with a Dupatta. Then he called his brother to dispose off the dead body; that one Rashid Chauhan, a friend of his brother, hired a taxi from Hem Singh and then they told him that a lady was in serious condition and was to be taken to hospital. Dead body of Chetana was placed in the taxi in a manner that nobody could judge that she was dead. Jai Parkash along with his brother Amit put the dead body of Chetana in the taxi and then had gone away from their house. When the taxi driver enquired from them as to what had happened then they snatched mobile phone of the taxi driver asking him to do as directed otherwise they would kill him. The taxi driver kept on driving the Car as per directions, and they took dead body of Chetana to a village in the fields, where as per plan father of complainant Chander Pal, uncles Shanker and Sushil were present. They took dead body of Chetana from taxi and placed in a pit, which had been dug by father and uncle of the complainant. After putting the dead body in that pit, they went back to Faridabad and returned the phone to taxi driver and threatened him of dire consequences if he disclosed the fact to anybody.

Thereafter accused Ashok Kumar apprehending his arrest in this case, had moved an application before the Court of Sessions which was assigned to Additional Sessions Judge, Faridabad, who vide order dated 31.7.2018 dismissed the same as such he has approached this Court asking for similar relief. The request is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State

counsel besides going through the record.

The law is well settled that pre arrest bail is not to be granted in routine but in exceptional circumstances. Custodial interrogation of the petitioner-accused is definitely required for complete and effective investigation and in case it is denied to the Investigating Agency that shall leave many loopholes and lacuna which is uncalled for.

The allegations against the petitioner are very grave and serious, inasmuch as he had helped in burying the dead body of Chetana that points out that he was part of the conspiracy. Though he is not named in the F.I.R. but he cannot take advantage of the fact since complainant Jai Parkash who had lodged the F.I.R. regarding his wife Chetana being missing from home turned out to be the killer and petitioner being one of his associates helped him in disposing off dead body of Chetana. His custodial interrogation is necessary for complete and effective investigation so as to find out the complete factual position. In case it is denied to the investigating agency that may leave many loose ends and gaps in the investigation effecting the investigation being carried out at this stage which is not called for. Therefore the petition stands dismissed.

**(H.S. MADAAN)**  
**JUDGE**

**September 04, 2018**  
*p.singh*

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No