

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

CRM-M-5826-2018(O&M)

Date of decision:-21.8.2018

Dr.Gajendra Singh Shekhawat

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Dr.Rau P.S. Girwar, Advocate  
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

Mr.Rishabh Gupta, Advocate  
for the complainant.

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**H.S. MADAAN, J.**

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Dr.Gajendra Singh Shekhawat, an accused in FIR No.242 dated 8.12.2017, under Sections 306, 116 IPC, registered at Police Station Civil Line, Bathinda.

Briefly stated, the facts of the case as per the prosecution story are that Deep Shikha (deceased) got married with Gajender Singh Shekhawat (petitioner) about 14-15 years earlier; that both of them were

running a Diagnostic Centre at Bibi Wala Road, Bathinda; that the deceased had told her sister Janta Suani, who is complainant in this case that her husband had got her three months pregnancy aborted and thereafter was torturing her so that she could not conceive; that about 15-20 days prior to the incident, Deep Shikha Shekhawat had called both her brothers to the matrimonial home at Bathinda, who went there on 5.10.2017, where Deep Shikha Shekhawat narrated their plight to them; that Gajender Singh Shekhawat – husband of the deceased did not allow Deep Shikha Shekhawat to go along with her brothers, however, Deep Shikha Shekhawat had been informing her brothers telephonically as regards the torture being meted out to her at the hands of her husband; that on 5.12.2017 Gajender Singh Shekhawat informed family of the deceased that Deep Shikha Shekhawat had got burnt. The complainant in her statement to the police stated that either Deep Shikha Shekhawat had committed suicide or she had been killed by her husband. Formal FIR was registered.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Bathinda vide order dated 16.12.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel. The complainant has also appeared through counsel.

I have heard learned counsel for the parties besides going

through the record and I do not find any merit in the present petition.

Learned counsel for the petitioner has contended that the deceased had performed love marriage with Gajender Singh Shekhawat and the couple was leading a happy married life; that there was no dispute between them; that all the commercial properties were purchased in the name of Deep Shikha Shekhawat and had there been any *mala fide* intention on the part of Gajender Singh Shekhawat, he would not have purchased properties in her name.

On the other hand, learned State counsel has contended that deceased himself being a doctor had been an earning hand and it does not lie in the mouth of Gajender Singh Shekhawat to say that he had purchased the properties in the name of the deceased. Furthermore, scene of crime was manipulated and ashes and burn marks were wiped out by Gajender Singh Shekhawat before calling the police.

After hearing the rival contentions, I find that a married woman, who was highly educated practicing as a doctor had died an unnatural death in the matrimonial home; though it is stated that she got brunt accidentally.

Section 106 of Indian Evidence Act deals with burden of proving fact especially within knowledge. It provides that when any fact is especially within the knowledge of any person, the burden of proving that fact is upon him.

The petitioner is supposed to have special knowledge of the facts as to how and under what circumstances, the deceased had suffered burn injuries. Though it is stated that the fire had broken out due to short

circuit but then as is being put forward by the State counsel, the crime scene was disturbed by the petitioner before the same could be seen and preserved by the investigating agency. That points out towards some guilty intention on the part of the petitioner. Purchasing of property in the name of deceased is one part, which loses much significance when this fact is taken into consideration that deceased herself was an earning hand. The trial Court has rightly observed that it is a normal practice in the State of Punjab that the properties are purchased in the name of female members of the family in order to save money being spent on registration of the sale deed.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely, which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

21.8.2018  
Brij

(H.S.MADAAN)  
JUDGE

**Whether reasoned/speaking : Yes/No**

**Whether reportable : Yes/No**