

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

CRM-M No. 9735 of 2018

DATE OF DECISION :- May 31, 2018

Jag Ram Yadav

...Petitioner

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Rajat Malhotra, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

This petition for regular bail has been filed by petitioner Jag Ram Yadav, an accused in complaint case titled as “Simran Kaur versus Kartik and others” under Section 302/34 IPC pending in the Court of JMIC, Ludhiana.

Briefly stated the facts of the case as per prosecution story are that F.I.R. No. 102 dated 26.7.2014 for offences under Sections 302/120B IPC was registered with Police Station Meharban, Ludhiana on the basis of statement of complainant Simran Kaur wife of Sh. Bhupinder Singh, aged about 35 years resident of Ludhiana wherein she stated that her husband is a driver by profession and they were having four children three of them being daughter and a son namely Lovepreet Singh. The later being aged about 14 years, a student of 9th class in Kuljit Model School Bhattian Colony, Ludhiana. That on the previous day i.e. on 25.7.2014, Lovepreet Singh returned home at 1.45 P.M. and about 2.30 P.M. a boy namely Kartik and

his brother Hrithik along with one Yuvraj came to their house and asked Lovepreet Singh to come along with them for some discussion. Lovepreet Singh accordingly accompanied those three, however, he did not return home. According to the complainant, she started searching for her son in the neighbourhood and relatives but he could not be traced out therefore she went to the house of Yuvraj Singh for tracing her son and on being enquired, Yuvraj Singh told them that they have left Lovepreet Singh at house at night time, however, when pressed, further Yuvraj Singh disclosed that they at about 4.00 P.M. he along with Hrithik, Lovepreet Singh and Kartik had gone to Sutlej River on bicycles for taking bath. They have parked their bicycles on the bank of the river and started swimming in the river and after some time they came outside the river to check their bicycles. Hrithik also came out of river after swimming. In the meanwhile Kartik also came and disclosed that he had been taken out from the water by one Bhayia (a native of UP/Bihar) who had told them that Lovepreet Singh could not be saved and Hrithik had threatened Yuvraj not to tell the family of Lovepreet Singh. According to the complainant she returned home and talked with respectables of Mohalla and thereafter went to police Station Salem Tabri at about 9.A.M and then to Sutlej River Kassabad and observed dead body of Lovepreet Singh which was lying on river bank of Sutlej River which was half in the river water and half outside. His long hair were untied. Blood was oozing from his nose. Blue marks were found on both sides of the face.

She stated that 7-8 months earlier, she had an altercation with members of family of Jag Ram Yadav residing in the vicinity and he along with his sons Ravi Yadav and Hans Raj Yadav had assaulted Lovepreet

Singh, Milap Kaur mother and Prabhjot Kaur daughter of complainant in that regard. Matter was reported to the police. Thereafter Jag Ram Yadav and his associates continuously threatened Lovepreet Singh besides harassing and humiliating her daughters and which she had submitted complaint at Police Station, Ludhiana. She has suspicion that Lovepreet Singh was killed by Jag Ram Yadav, Ravi Yadav and an unknown Bhaiya etc. in connivance with each other since Lovepreet Singh could not drown as he knew swimming. She craved for taking action against culprits so named by her.

After registration of F.I.R., the matter was investigated. Post mortem examination was got conducted on dead body of Lovepreet Singh by Board of Doctors from Civil Hospital, Ludhiana who opined that cause of death in their opinion was aspxia as a result of drowning which was ante mortem and sufficient to cause death in the ordinary course of nature.

The persons named in the F.I.R. were joined with the investigation. The police came to a conclusion that the complainant had named Jagram Yadav, his son Ravi Yadav and Hans Raj Yadav due to personal enmity. The police could not find involvement of such persons in causing death of Lovepreet Singh and rather came to the conclusion that Lovepreet Singh had died due to drowning in the river for which nobody was responsible, as such a cancellation report was prepared and filed in the Court. Simran Kaur had filed a criminal complaint against Kartik, Hrithik, Yuvraj Singh, Jagram Yadav, Ravi Yadav and Hans Raj Yadav for offences under Sections 302/34 IPC in the Court of Judicial Magistrate Ist Class Ludhiana. Learned Magistrate vide order dated 12.7.2017 had summoned all

the accused for offences under Sections 302/120B IPC for 5.8.2017.

Jag Ram Yadav was arrested in this case and he had filed application for regular bail which was assigned to Additional Sessions Judge, Ludhiana, who vide order dated 20.2.2018 dismissed the said application, as such the petitioner has approached this Court craving for grant of similar relief notice of which was given to the State.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner in support of his contentions has referred to citation Pankaj versus Sandhya and another 2015 (2) PLJ (Criminal) 171 by a Coordinate Bench of this Court wherein it was observed that in a complaint case where only presence of accused is required and custodial interrogation is not needed custody of accused will serve no purpose. He had further referred to citation Savera Sidhu versus Harleen Sidhu and another 2011 (2) RCR (Criminal) 442 by a coordinate Bench of this Court.

Admittedly, the complainant had lodged an F.I.R. in the matter against the petitioner and others. The police, after investigation had come to the conclusion that Lovepreet Singh had died as a result of drowning and present petitioner and other persons named in the F.I.R. were not responsible for death of Lovepreet Singh, as such cancellation report had been prepared. Thereafter, the complainant has filed the present complaint in which the accused has been summoned. The accused is behind bars in this case. Since this is a private complaint, there is no requirement of custodial interrogation of the petitioner. Since the police in the F.I.R. case

had not found his involvement in alleged murder of Lovepreet Singh and his guilt shall be established during the trial, the conclusion of trial is likely to take some time, in my view further retention of petitioner in this case would not serve any purpose and he deserves to be granted regular bail.

Therefore, petition is accepted and petitioner is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Ludhiana subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.
- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the order shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

May 31, 2018
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No