

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

( I )

CRM-M-39567-2018 (O&M)  
Date of Decision:-5.2.2019

Kalu Ram and another

... Petitioners

Versus

Shakuntla Devi and another

... Respondents

( II )

CRM-M-41020-2018 (O&M)

Sohan Lal and another

... Petitioners

Versus

Shakuntla Devi and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Ashok Kumar Sama, Advocate for the petitioner(s).

Mr. D.K. Sihag, Advocate for the complainant.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

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**GURVINDER SINGH GILL, J.**(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Kalu Ram, Mani Ram, Sohan Lal and Jai Singh seeking grant of anticipatory bail in complaint case No.RBT-308 of 30.4.2013, CIS No.COMI/1155/2013 under Sections 364, 302, 148, 149 and 120-B of Indian Penal Code, 1860.

2. The petitioners apprehend their arrest consequent upon they having been summoned to face trial and non-bailable warrants having been issued for securing their presence by the trial Court.
3. The allegations, in nutshell, against the petitioners are that the husband of complainant Shakuntala Devi had been kidnapped regarding which FIR No.75 dated 26.5.2012 was initially registered at Police Station Sadar Fazilka under Sections 364 and 34 of Indian Penal Code, 1860. Later the dead body of complainant's husband was found near railway track. The matter was investigated by the police and it was found that the complainant's husband had jumped before a train on 2.6.2012 in Rajasthan and regarding which proceedings under Section 174 Cr.P.C. had also been conducted. The matter had been inquired into and a cancellation report was filed in the FIR in question. However, the complainant preferred a protest petition and filed a complaint in which the petitioners have been ordered to be summoned by way of issuance of non-bailable warrants.
4. The learned counsel for the petitioners has submitted that since during the course of investigation, the petitioners had been found innocent and a cancellation report had been filed by the police, there is no case for any custodial interrogation and the petitioners deserve the concession of anticipatory bail.
5. Opposing the petitions, the learned State counsel assisted by the learned counsel for the complainant has submitted that infact at the time of summoning the accused, the trial Court had noticed that the kind of injuries sustained by the deceased could not have been possible on account of

jumping before a train and that apparently the same had been caused by some other person resulting in his death.

6. Having considered rival submissions addressed before this Court and bearing in mind the fact that *prima facie* the petitioners have been found to be innocent during investigation and also that the present case being a complaint case, there is no question of any custodial interrogation of the petitioners, in my opinion, it is a fit case for grant of anticipatory bail to the petitioners. The petitions, as such, are accepted and the interim directions issued by this Court vide orders dated 11.9.2018 and 18.9.2018 are hereby made absolute.
7. It is, however, made clear that none of the observations made above shall be construed to be an expression on merits of the main case.
8. It is further ordered that in case the petitioners ever misuse the concession of bail, it shall be open to the prosecution to move for cancellation of the bail.
9. The petitions stand accepted accordingly.

**5.2.2019**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No