

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M-21080 of 2019  
Date of Decision: 04.11.2019

Pinki

....Petitioner

VERSUS

State of Haryana

....Respondent

2. CRM-37426-2019 IN/AND  
CRM-M-40993 of 2019 (O&M)

Shakshi and another

....Petitioners

VERSUS

State of Haryana

....Respondent

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Partap Singh, Advocate  
for the petitioners in both petitions.  
  
Mr. Munish Sharma, AAG Haryana.  
  
Mr. H.N. Sahu, Advocate  
for the complainant.

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**SURINDER GUPTA, J.(Oral)**

**CRM-37426-2019 in CRM-M-40993-2019**

Application is allowed as prayed for and *zimni* order dated 20.08.2019 passed by the Judicial Magistrate Ist Class is taken on record as Annexure R-2/1, subject to all just exceptions.

**CRM-M-21080-2019 & CRM-M-40993-2019**

Present petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No.259 dated 22.07.2018 registered for offences punishable under Sections 109, 201, 203, 302, 506 and 120-B of Indian Penal Code, at Police Station

Heard.

Present FIR was registered on the complaint of Suman wife of Deepak against her mother-in-law, sisters-in-law and one uncle-in-law with the allegation that after death of her father-in-law, his land was inherited by her husband, mother-in-law and sisters-in-law. Her husband told her that Om Parkash (co-accused) has fraudulently transferred two plots at Panipat purchased by his grandfather in his name and one plot was got transferred in the name of Rajwanti (mother-in-law) and Om Parkash in equal share. The property was partitioned with Om Parkash on 10.04.2015. Deepak was insisting on getting the share in the plots got transferred in his name by Om Parkash, who was threatening to kill Deepak if he claimed any share in the plots. Mother-in-law of complainant and her daughters were also with Om Parkash on this issue. On 28.08.2017, complainant had gone to Mukherjee Nagar, Delhi to prepare for competitive exams. Om Parkash (co-accused) made a call to father of complainant about death of Deepak. Complainant reached her in-law's village Dharamgarh and was apprised by Rajwanti and petitioners that Deepak had died due to heart attack. On postmortem, nine injuries were found on the person of deceased-Deepak and it was found to be a case of death by strangulation. Om Parkash, who is posted as sub-inspector in Police, did not allow any proceeding to be conducted and at later stage, she moved complaint before the police on the basis of which present FIR was registered.

Learned State counsel on instructions from SI Satpal submits that it is a case of blind murder. The police has initiated investigation on the basis of suspicion of complainant that her husband has been killed by Om Parkash, her mother-in-law and sisters-in-law. Om Parkash and Rajwanti

have been arrested in this case. Petitioner Sakshi in CRM-M-40993-2019 has also joined the investigation and the police has recorded her disclosure statement in which she has stated that her brother was strangled by her mother, Rajwanti, while Pinki had sat on his chest and she alongwith Renu had held his feet.

The dispute appears to be of property. Learned counsel for petitioners submits that deceased-Deepak was a drunkard person and even at the time of his death he was under the influence of liquor. Wife of deceased i.e. complainant had also left her matrimonial house due to his drinking habit. Complainant has got the present FIR registered only to get the property left by her father-in-law, which has now been transferred in the name of her son. So far as petitioner-Pinki (in CRM-M-21080-2019) is concerned she had already transferred the share in the property inherited by her from her father in favour of deceased about five years before the incident, as such, she has no motive to kill her brother. She is otherwise married and was living in her matrimonial house.

Learned counsel for complainant submits that location of petitioner-Pinki at the time of occurrence was at village Dharamgarh. Deepak was killed due to dispute over the title of plots which Om Parkash had fraudulently got transferred in his name.

From the allegations in the FIR and from submission of learned State counsel, I find that cause of murder of Deepak has been alleged to be his dispute *qua* plots purchased by his grandfather out of which two plots were allegedly got transferred by Om Parkash in his name and one was got transferred jointly in his name with Rajwanti. It is not disputed that petitioner-Pinki had already transferred her share in the property inherited by

her from her father in favour of the deceased. So far as petitioners, Shakshi and Renu (in CRM-M-40993-2019) are concerned, Shakshi is 19 years of age and Renu is 21 years of age. Both are unmarried and had no property dispute with the deceased.

It has been pointed by learned counsel for the complainant that petitioners, Shakshi and Renu, have also been declared proclaimed offenders in this case before filing of these petitions and that fact is not mentioned in the petitions.

Learned State counsel has pointed out to two disclosure statements of Shakshi indicting them in this case, which is a subject matter of further investigation. He further submits that petitioners, Shakshi and Renu, have joined the investigation.

Learned counsel for petitioners submits that petitioners were not aware that they have been declared proclaimed offender in this case. Even otherwise they have joined the investigation, as such, are no more proclaimed offenders.

Keeping in view facts and circumstances of the case and that investigating officer is still ascertaining the facts relating to death of Deepak; petitioners, who are sisters of deceased, had no evident motive to eliminate him; and the statement of complainant calls for thorough verification before petitioners are arrested in this case but without expressing any opinion on the merits of the case, these petitions are allowed and orders dated 01.07.2019 and 24.09.2019 passed in respective petitions are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;

- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior permission of the Court.

The State shall be at liberty to seek cancellation of bail of petitioners if some cogent evidence is collected during investigation against petitioners.

**December 04, 2019**  
**jk**

**( SURINDER GUPTA )**  
**JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No