

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

296)

CRM-M no.50102 of 2019

Date of Decision: 27.11.2019

Rajinder Sikka

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S. Cheema, Senior Advocate, with
Mr. Arshdeep Singh Cheema, Advocate, for the petitioner.
Mr. Surender Singh, AAG, Haryana.
Mr. Manoj Pundir, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

Though Mr. Cheema, learned Senior Counsel appearing for the petitioner, has very vehemently argued that the last phone call made to the petitioners' son by the prime accused, i.e. Rajesh, was at 3.14 p.m., and the petitioner and his son reached home within 15 minutes, learned counsel for the complainant has contended that actually the phone call informing about the death of the daughter-in-law of the petitioner was made to the petitioner at 2.00 p.m. and thereafter it took 1 ½ hours for the petitioner and his son to reach the place, which of course Mr. Cheema again refutes very vehemently, to the extent that even as per the FIR, the son of the petitioner had stated that the prime accused, Rajesh, (stated to be working as a servant with the petitioner and his son), had made a call to inform his father, after which they reached within 15 minutes from the place where they both were present.

Mr. Cheema has also submitted that as the police only want the

petitioner for the purpose of conducting a polygraph test, the petitioner would join investigation for that purpose, and therefore there was no need for his custodial interrogation at this stage.

Upon query to learned State counsel, he submits on instructions from Inspector Dinesh, posted at Police Station City Jagadhari, that as a matter of fact, it being a murder case, with the disclosure statement of the co-accused, Rajesh, being that it was at the instance of the petitioner that he committed the murder, the petitioners' custodial interrogation is very much required, (with the learned counsel for the complainant then submitting that very strangely the petitioner and his son had never applied for anticipatory bail till the first petition was filed before the learned Sessions Judge, Yamuna Nagar on 31.10.2019, he having been nominated as an accused on May 21, 2019).

Having considered the matter, without making any comment on the actual merits of the case, for or against the petitioner, however, since the categorical stand of the State is that the petitioners' custodial interrogation is required in view of the seriousness of the crime, with a special investigation team also having been constituted, which seeks his custodial interrogation, I would find no reason to entertain this petition, which is consequently dismissed.

27.11.2019

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(AMOL RATTAN SINGH)**JUDGE****Whether reasoned/speaking: Yes****Whether reportable: No**