

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-51497 of 2019
Date of Decision: 12.12.2019

Vijay Kumar @ Shammi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Satwant Singh Rangi, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. Bipan Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Advocate
for the complainant.

SURINDER GUPTA, J.

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.34 dated 04.05.2019 registered for the offence punishable under Section 302 read with Section 34 of Indian Penal Code, at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Heard.

As per allegations in the FIR, registered on the statement of Naresh Kumar, his brother, namely, Vikram @ Bikkar, was performing *sewa* in the *kuttiya* of *Dera Baba Sher Nath* and used to reside there. On 03.05.2019, he had gone to sleep in the *Dera* and in the morning his dead body was found tied by the side of *Deg* tree, where it had been made to stand by tying it with a *loyi*. The complainant touched body of Vikram @ Bikkar and found that it was warm. He brought it to his house. On checking,

he was found dead. He apprehended that somebody had killed his brother and then tried to present it a case of suicide.

Learned counsel for the petitioner submits that Vikram @ Bikkar had illicit relations with wife of brother of the petitioner. She got pregnant and he was insisting for her abortion. On the fateful day, he called her to the place of occurrence, killed her and then hanged himself. Arrest of the petitioner is sought only on the basis of suspicion that he had killed the deceased. The petitioner is ready to join the investigation. He has also been named as accused for the murder of Suman, wife of his brother, but has been allowed anticipatory bail in that case.

Learned State counsel and learned counsel for the complainant have argued that this is second application seeking anticipatory bail. Earlier petition (CRM-M-33429-2019) was withdrawn and without narrating any new fact or circumstance, petitioner has again sought anticipatory bail. They have argued that in the postmortem report vertebrae of deceased was found fractured. The dead body was not hanging from the tree, rather it was made to stand by side of tree by tying the neck with a *loyi*. It was not a case of death due to hanging but due to strangulation. The police requires custodial interrogation of the petitioner to thoroughly investigate the case.

This fact is not disputed that earlier bail application (CRM-M-33429-2019) filed by the petitioner was withdrawn on 20.08.2019. So far as grant of anticipatory bail to petitioner in connected case is concerned, the same is not relevant in the present case. The police has recorded supplementary statement of complainant and other witnesses naming the petitioner as accused. In view of the facts of the case and submissions of learned State counsel, thorough investigation of the case requires custodial

interrogation of the petitioner.

Keeping in view the gravity of offence and facts of the case, I do not find it to be a fit case to exercise discretionary power of this Court to extend the benefit of anticipatory bail to petitioner.

This petition has no merit and the same is dismissed.

December 12, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No