

107.

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

CRM-M-53929-2019

Date of decision: 18.12.2019

SHIVRAJ KUMAR @ SHIVRAJ SINGH

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Guninder Singh Brar, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.84 dated 15.04.2018 registered under Sections 354, 506, 34 of IPC (Section 306 IPC added lateron) at Police Station Sadar Khanna, District Ludhiana.

The aforesaid FIR was registered at the behest of complainant Yashpal Kaur wife of Surjit Singh. As per the FIR, Surjit Singh (since deceased) was a mason. He committed suicide while ablazing him on fire on 12.04.2018. When he was lying admitted in the hospital, he suffered two statements, firstly before the police on 12.04.2018 wherein he stated that he caught fire by accident. This statement was also signed by his wife Smt. Yashpal Kaur and his father Teja Singh. When his condition became critical, concerned Judicial Magistrate was called to record his statement and he

suffered another statement before the Magistrate on 13.04.2018 in the presence of a doctor wherein he stated that accused petitioner-Shivraj Kumar and co-accused Shrikant used to harass his wife in his absence and although, he reported the matter to the police, but no action was taken.

After his death, statement of the wife of the deceased namely Smt. Yashpal Kaur was recorded wherein she stated that her husband had been doing mason work and used to remain out of home for his work and in his absence, both petitioner as well as Shrikant (co-accused) badinage with her, unnecessary visiting her house and started physically titillating and on one day when she was washing the clothes, Shivraj accused petitioner came secretly and grasped her from behind and started rubbing his hands on her body. Even on 20.02.2018, when she was sleeping in her home, the co-accused-Shrikant entered her room and laid on her cot and started muscling with her. All these facts were told to her husband. When the deceased complained, both the accused threatened to kill him.

Notice of motion.

At the asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab, accepts notice on behalf of the respondent.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Counsel for the petitioner has argued that the husband of the complainant, namely, Surjit Singh has died while ablazing himself. He was taken to Civil Hospital, Khanna and thereafter, he was referred to the PGI, Chandigarh where he succumbed to his burn injuries. On 12.04.2018, he made a statement before his father, wife and the IO where he had not made

such allegation against the petitioner. However, it is thereafter on 13.04.2018, he suffered another statement naming the petitioner along with his brother-Shrikant. The petitioner has been roped in the case so as to settle score in the complaint made by the sister of the petitioner against the deceased Surjit Singh. The occurrence had taken place on 12.04.2018 and the statement of the deceased was recorded on 13.04.2018 leading to registration of present FIR. Since there was a dispute between the deceased-husband and his wife, and the father of the petitioner being neighbour had intervened at number of times so as to settle this dispute between the complainant and Surjit Singh and it is for this reason, the petitioner and his brother have been named in the FIR. He further states that the brother of the petitioner Shrikant has already been granted bail by this Court vide order dated 19.07.2018 passed in ***CRM-M-25016-2018*** titled as ***Shrikant Versus State of Punjab***.

Learned State counsel, who is assisted by ASI Amar Singh, does not dispute the custody and the fact that in the initial statement made by the deceased before the complainant, his father and the IO, name of the petitioner did not figure.

I have heard counsel for the parties.

Considering the nature of allegation and the fact that the other co-accused, namely, Shrikant has already been granted bail by this Court and trial in the case will take sufficient long time as no witness has been examined so far and challan has not been presented, this Court deem it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

18.12.2019
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No