

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

208

CRM-M-24782-2020(O&M)

Date of Order:18.09.2020

Rajesh Kumar @ Joney

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Liaqat Ali, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No.150, dated 04.10.2019, registered under Section 302/34/120-B/201 IPC, at Police Station Sadar Ludhiana, District Ludhiana.

As per the case of the prosecution, Pushpinder Kaur, wife of the deceased-Harvinder Pal Singh, in connivance with her paramour Jaspreet Singh @ Jass and the petitioner have killed Harvinder Pal Singh, a few months before the FIR was registered.

Learned counsel for the petitioner while drawing the attention of the Court to a joint statement of Ujjagar Singh, Raj Singh and Ranjit Singh dated 14.8.2019 has stated that before the cremation of Harvinder Singh, when the police came, the relatives of the deceased made the following statement:-

“Harvinder Pal Singh Sekhon son of Avtar Singh Sekhon resident of HNo238 Central Town village Dad has died natural and sudden death, that we do not suspect regarding his death on any one nor we want to initiate action on anybody. Statement is given heard and found correct.”

He further drew the attention of the court to the statement of Surinder Pal Singh, brother of the deceased dated 14.08.2019:-

Stated that I am resident of the above said address and am doing private job. Today on 14.08.2019 at 7.15 in the morning the neighbour of my brother Harvinderpal Singh informed me on my mobile that your brother Harvinder Pal Singh has died on which I gave information regarding his death to the police also. That I after coming has seen that my brother has died a natural and sudden death Regarding his death I or any other members of my family have no suspicion neither we want to get any action initiated against any one. Statement is given heard and found correct.”

He further contended that DDR No.11, dated 14.08.2019, was recorded that Harvinder Pal Singh has died a natural and sudden death and the family members have no suspicion.

Learned counsel further contends that Jaspreet Singh @ Jass, has been granted the concession of bail vide order dated 10.08.2020 in CRM-M-14497-2020. The operative part of the order reads as under:-

“[3]. It transpires that funeral/cremation of the deceased had taken place long before lodging of the FIR and that too in the presence of the complainant and her other family members. She, thereafter, alleged that her son was killed by her daughter-in-law in conspiracy with the present petitioner, after which, the FIR was drawn up and the petitioner arrested on 14.10.2019.

[4]. He has remained in detention ever since. Although, challan has been submitted yet it is undeniable that there is no forensic proof of the fact that the death of the victim was unnatural or caused in any manner by the petitioner or any of the other co-accused persons. There have been references to certain Audio clippings by the complainant in the FIR but it transpires that in the challan papers no transcripts of such clippings were annexed which could have indicated any complicity of the petitioner in any foul play, if at all, in this case.”

On the other hand, Shri Dhruv Dayal, Sr. DAG, Punjab, assisted by Shri Rajdeep Singh Chugh, Advocate, have submitted that the petitioner is involved in a heinous crime and therefore, he should not be granted bail.

On a court question, learned counsel for the State has admitted that there is no forensic proof of the fact that the death of the victim was unnatural or caused in any manner by the accused. Still further, there is a delay of 2 months in the registration of the FIR. The deceased was cremated in the presence of the parents and his brother.

The petitioner is in detention since 14.10.2019. Sh. Dhruv Dayal, Sr. DAG, Punjab, on instructions from HC Kuldeep Singh, has also stated that as per his information and custody certificate, the petitioner does not have criminal antecedents.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 14.10.2019 and the conclusion of trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the present petition is allowed with the aforesaid directions.

September 18, 2020
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No