

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

106

**CRM-M-25119-2020
Decided on : 31.08.2020**

Lala @ Harmesh Lal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Rishabh Gupta, Advocate for the petitioner (s).

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawal, J. (Oral)

In the present petition filed under Section 438 Cr.P.C., the petitioner seeks grant of anticipatory bail in case FIR No.87 dated 26.04.2020 under Sections 302, 201, 120-B IPC registered at Police Station Garhshankar, District Hoshiarpur.

Counsel for the petitioner submits that the allegations in the FIR are of honour killing. The petitioner is a resident of a different village and not related to the family as such and there is no eye witness and he has only been implicated on the statement of the co-accused.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab accepts notice on behalf of the State. He submits that the main accused who is the mother of the girl has specifically named the petitioner being the friend of one accused Swaraj @ Mani the nephew, that they together had strangled the girl

after she was administered sleeping pills by her mother and Swaraj @ Mani.

The FIR was lodged by the police on a secret information given that Jaspreet Kaur of village Souli had been killed by strangulation and, thereafter, cremated in the early morning. The reason for the same was that she had left her house without intimation on 22.04.2020 and doubts were raised on Amanpreet Singh @ Aman. But the girl thereafter was recovered from the Railway Station, Garhshankar and her mother Balwinder Kaur had given the statement that she did not want to proceed for initiating any further action and she had taken the girl to her house. On the intervening night of 25/26.04.2020 on account of having felt that the girl had destroyed the reputation of the family, her mother Balwinder Kaur, parental uncle Satdev, Sawraj @ Mani, Gurdeep and the present petitioner had killed her.

It is the case of the counsel for the petitioner that Gurdeep has been declared innocent. In the FIR it had been mentioned that Swaraj @ Mani the nephew, the girl's mother and the present petitioner had administered pills to the girl and killed her by strangulation. Gurdeep and Satdev had also participated in cremation of the girl with the intention to destroy the evidence and the ashes were still burning when the information was received.

Counsel for the State has pointed out that the investigation is complete qua the other accused and challan has been presented and in such circumstances, it is not a case for granting anticipatory bail.

The victim was only 19 years old when her life was snuffed out and the petitioner is stated to be a friend of the nephew of the main accused, who was angry because of the cousin having left the house and the family honour having been let down had actively participated in the crime. It is in such circumstances, it is for the investigating agency to connect the petitioner with the investigation and as per the information received to come to its conclusion and complete the chain of circumstances. The same cannot be done by way of custodial interrogation and not when the petitioner has shield of interim protection, keeping in mind the gravity of the offence committed.

In such circumstances, no case for anticipatory bail is made out and the petition stands dismissed accordingly.

Needless to say that anything observed herein is only for the purpose of decision of the anticipatory bail petition and this Court has not commented upon the merits of the case.

AUGUST 31, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No