

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: July 07, 2021

1. CRM-M-20797-2021

Lal Chand @ Lally & another

...Petitioners

Versus

State of Punjab

...Respondent

2. CRM-M-21068-2021

Surinder Pal @ Shinda & another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.D.Sachdeva, Advocate,
for the petitioners in both the petitions.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

Mr. Ravi Malhotra, Advocate,
for the complainant.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.35 dated 05.03.2021, under Sections 306 and 34 IPC, 1860, registered at Police Station, Goraya, District Jalandhar. Petitioners Lal Chand @ Lally and Ajay Kumar @ Rubby are in custody since their arrest on 18.03.2021, whereas petitioners Surinder Pal @ Shinda and Usha Rani are in custody since 05.03.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Jalandhar in his order dated 29.04.2021 (Annexure P-2 in CRM-M-20797-2021, are as under:-

“On 05.03.2021, Raj Kumari-complainant made statement to the police to the effect that she was present at her in laws village Hussainpur and received a telephonic call from her sister Manjit Kaur that their brother Kehar Chand has taken some poisonous medicine and also given such poisonous medicine to his son Ekam aged about 9 years and daughter Prabhjot aged about 11 years. They have been taken to DMC Hospital Ludhiana. She went there. Kehar Chand and his children Ekam and Prabhjot died. Kehar Chand had a minor dispute with his wife Rimpny @ Mona about 1½ month back and she had gone to her parental house. Compromise was got effected on 31.01.2021. Kehar Chand had gone to take Rimpny @ Mona on 01.02.2021 as per compromise but she refused to accompany him and he was insulted. Mona threatened to see him in court and Kehar Chand could not tolerate this. Today i.e. on 05.03.2021 at about 11 AM, due to harassment given by Rimpny @ Mona, he has filed his children and thereafter himself also by taking poison. Action be taken.”

Learned counsel for the petitioners has argued that the daughter of the petitioners in CRM-M-20797-2021 was married to victim twelve years back. However, a matrimonial dispute erupted and they got separated in December, 2020. According to him, their daughter refused to accompany the victim and had filed a petition under Section 125 Cr.P.C. claiming maintenance and thereafter upon coming to know about the filing of the case, the victim allegedly ended his life and also killed his own children. Learned counsel has further argued that in the given facts, it would be debatable if the statutory remedy adopted by wife can be construed as an abetment and as the investigation of the case is complete, therefore, the further custody of the petitioners, who are parents and brothers of Rimpny @ Mona may not be necessary and prays for bail.

On the other hand, the prayer is opposed by the learned State

counsel, assisted by ASI Harjit Singh as well as learned counsel for the complainant on the ground that the wife and the other accused persons created compelling circumstances for Kehar Chand to end his life. They have submitted that the victim had recorded the incident in a video, wherein Kehar Chand not only consumed poison, but also administered the same to his children.

At this stage, Shri K.D.Sachdeva, learned counsel for the petitioners has argued that as per prosecution, Kehar Chand administered poison to his own children and, their death being homicidal, cannot be attributed to the accused persons.

After hearing the learned counsel for the parties, considering the above background, custody of the petitioners and the fact that final report has already been filed, this court is of the opinion that further custody of the petitioners, who are presently confined in judicial custody after their arrest on 18.03.2021 and 05.03.2021 respectively, may not be necessary as the trial is likely to consume considerable time to complete. The material witnesses are either close relatives of the victim or the police officials and there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Jalandhar.

July 07, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No