

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14749-2021
Date of Decision: 22.03.2022

(I)

Dev Anand Rai

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRR-667-2021 (O&M)

(II)

Dev Anand Rai

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Shasak Jain, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI, J.(Oral)

Both the cases are taken up together for final disposal since
both the cases arise out from the same FIR.

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The present petition has been filed under Section 439 of the

Code of Criminal Procedure for grant of regular bail in FIR No.97 dated 17.09.2019, under Sections 302/201/34 IPC (challan presented under Sections 302/201/120-B/34 IPC), registered at Police Station Mohkamura, District Amritsar.

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The present criminal revision has been filed challenging the impugned order dated 02.12.2020 passed by the learned Additional Sessions Judge, Amritsar whereby charges have been framed against the petitioner.

On 09.11.2021 this Court had directed that the criminal revision will be heard alongwith regular bail. Therefore, both the cases are taken up together for final disposal.

Facts of the case (CRM-M-14749-2021)

An FIR was lodged on the statement of SI Sulakhan Singh that he was searching the bad elements and when he went towards Bagh Kake Shad, then at some distance there was a rice field and large number of dogs were barking and after reaching the spot, one dead body of one unknown lady, aged 27-28 years who was cut by sharp weapon covered with one Blue checked chaadar and face was covered with plastic cover tied with ropes was lying there and public had also gathered there. The local councilor identified the body to be of a lady who was his neighbour namely Suman Devi wife of Devanand Rai (petitioner). The petitioner was stated to be having relation with another lady namely Kamlesh and because of this reason, there was a quarrel between them. During the course of arguments, it was pointed out by the learned counsel for the parties that in fact the

daughter of the aforesaid Suman Devi namely, Riya was also killed and it is a case of double murder.

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The learned counsel for the petitioner has submitted that the petitioner is in custody from 18.09.2019 and three prosecution witnesses have already been examined and therefore, the petitioner may be considered for the grant of regular bail. He further submitted that the entire case is based upon circumstantial evidence and there is no evidence to prove that the petitioner is involved in the present offence.

On the other hand, Mr. Randhir Singh Thind, learned Deputy Advocate General, Punjab has stated that it is not only a serious offence but also a heinous offence wherein the petitioner had murdered two persons i.e. his wife and daughter and the mere fact that the petitioner was not found on the spot would not mean that he has not committed the offence. He further submitted that 3 out of 21 witnesses have been examined by the prosecution and some material witnesses are yet to be examined and, therefore, considering the gravity of the offence, the petitioner does not deserve the concession of regular bail.

I have heard the learned counsel for the parties.

Although the petitioner is in custody from 18.09.2019 but as per the prosecution, only 3 out of 21 witnesses have been examined. The allegations against the petitioner are certainly serious and heinous in nature as the present case involves double murder. The arguments raised by the learned counsel for the petitioner that the case is based upon circumstantial evidence only cannot vest any right in the petitioner for the grant of bail on this ground alone. The gravity and magnitude of the offence would disentitle the petitioner

for grant of regular bail.

Consequently, finding no merit in the petition for grant of regular bail, the same is hereby dismissed.

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In the present criminal revision the petitioner has challenged the order passed by the learned Additional Sessions Judge, Amritsar whereby charges were framed against the petitioner.

There are direct allegations against the petitioner and the learned Additional Sessions Judge, Amritsar has framed the charges on the basis of *prima facie* material available on record. No detailed reasoning is required at the time of framing of charges. There is neither any perversity nor any illegality in the order for framing of charges.

In view of the above, finding no merit in the present petition, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the cases and is meant for the purpose of deciding the present cases only.

22.03.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No