

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

CRM-M-13218-2022

Date of Decision: August 24, 2022

Ramotar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Aditya Sanghi, Advocate,
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

Vivek Puri, J.

The petitioner is seeking anticipatory bail in the case bearing FIR No. 55, dated 13.02.2022, under Sections 148/149/323/452/365/307/120-B of the Indian Penal Code (for short 'IPC') and Section 25 of the Arms Act, registered at Police Station Sadar Mahendergarh, District Mahendergarh.

Briefly, the allegations as putforth in the FIR are to the effect that Deepak has solemnized love marriage with Rajbala about three months prior to the occurrence. The family members of Rajbala and her maternal uncle along with 8-10 persons, while carrying firearm in two vehicles and a motorcycle, fired gunshots upon Rajbala and her mother-in-law Suman.

Learned counsel for the petitioner contends that the petitioner is the father of Rajbala. She had been residing since long in the house of her maternal uncle. The petitioner has no role in the occurrence and was not even present at that time. Even no role has been attributed to the petitioner. Rajbala used to reside at Village Chechipura, Rajasthan in the house of her maternal uncle. On 11.11.2021, she had gone with Deepak against the wishes of the family and performed marriage with him. Thereafter, there was no communication or relation, whatsoever of the petitioner with Rajbala. He never tried to be in touch with her. Even there is no incriminating evidence against the petitioner which may have emerged during the course of investigation.

Learned State counsel has opposed the bail application and has argued that Rajbala and her mother-in-law had sustained firearm injuries in the occurrence. The petitioner along with his relatives had entered into a criminal conspiracy for the sake of honour of the family. The co-accused of the petitioner had fired gunshots upon Rajabala and her mother-in-law Suman, who were admitted in Government Hospital at Mahendergarh. During the course of interrogation of the co-accused, who are near relatives of the petitioner, it has emerged that the petitioner has provided the weapons i.e. lathi, danda, etc. and also money for purchasing the fire-arms. The petitioner and his

relatives were unhappy and annoyed with Rajbala as she has solemnized marriage with Deepak against the wishes and without their consent. They had hatched a criminal conspiracy to eliminate Rajbala and family members of her in-laws. After firing gunshots, Rajbala was also abducted by them. The petitioner is the main conspirator as the entire conspiracy was hatched in his house and he is the father of Rajbala. Even the co-accused, namely, Thawarmal @ Deva, who is the maternal uncle of Rajbala, had threatened Deepak and another FIR bearing No. 76 dated 06.03.2022 under Sections 294 and 506 IPC has been registered against him at Police Station Sadar Mahendergarh. 12 persons have been arraigned as accused and challan has been presented against 9 persons. The petitioner is still absconding.

I have heard learned counsel for the parties and perused the record.

It may be true that the petitioner was not present at the time of occurrence, but it is significant to note that the disclosure statement of the co-accused indicates that he had provided weapons and money to purchase fire-arms. The disclosure statement of the co-accused provides lead in the investigation and the matter requires thorough probe and investigation. The honour of the petitioner, who is the father of Rajbala was at stake. The parental family of Rajbala was annoyed on account of her solemnizing love

marriage with Deepak against the wishes and without their consent. Even the co-accused had been hurling threats to the opposite party. The petitioner is stated to be the main conspirator as the entire conspiracy was hatched in his house. The complaint submitted by Suman to the Officer Incharge, Police Station Sadar Mahendergarh also indicates that Thawar Singh @ Deva along with 8-10 persons came to their house on 12.02.2022 at about 7/7.30 P.M.. The assailants were armed with pistols, lathi and dandas. Thawar Singh @ Deva had fired gunshots upon her with an intention to kill which hit on her left thigh and also with an intention to kill her daughter-in-law Rajbala. Furthermore, the statement of Rajbala indicates that a lathi blow was given on her head and she became unconscious. She was also abducted by the assailants. The statement of Rajbala further indicates that she was pregnant at the time of occurrence which aggravates the gravity of allegations against the petitioner and the co-accused. The offence of honour killing or attempt cannot be viewed lightly.

It may be mentioned here that the anticipatory bail is not to be granted lightly. It is to be granted on the careful assessment of the relevant facts and circumstances emerging in the case. The relief of anticipatory bail can be granted in the even extra ordinary circumstances are made out.

The matter requires thorough probe and investigation and custodial interrogation of the petitioner appears to be necessary for the said purpose.

Keeping in view the entire circumstances, no extra ordinary circumstances are made out to extend the concession of anticipatory bail to the petitioner.

Present petition is dismissed, accordingly.

August 24, 2022

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(Vivek Puri)
Judge

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