

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19055-2021 (O&M)
Date of Decision:-7.2.2022

Dilshad Singh @ Rajat

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.16 dated 5.2.2021 at Police Station Shahkot, District Jalandhar under Sections 307, 381, 436, 411 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Sita Goyal, wherein it is alleged that they had employed one Sushila to work as a domestic help. It is alleged that on 30.1.2021 when the complainant Sita Goyal and her husband Ramesh Goyal had dinner, they felt some sweet flavour in the 'dal' served in dinner. After having their dinner, they went to sleep in their room. At about 10-11:00

p.m., the complainant Sita Goyal had difficulty in breathing and starting coughing and on account of which she woke up. It is alleged that she saw smoke in the room and an adjoining small bed had caught fire. The complainant tried to wake up her husband but he was lying unconscious. Upon alarm raised by the complainant, her son Amit Goyal rescued them. Upon checking the articles in the house, they realised that gold ornaments and cash amount were missing from the almirah. It is alleged that their domestic help Sushila in connivance with her companions, had committed the offence in question. It is further the case of prosecution that on 5.2.2021, Sushila was apprehended by the police and who suffered a disclosure statement that she had committed the offence in conspiracy with Lakhwinder Singh @ Lucky, who had held out a representation that they would get married and flee to Dubai.

3. Learned counsel for the petitioner has submitted that the petitioner is nowhere named in the FIR nor is attributed any role in the disclosure statement of Sushila, who is the main accused, and came to be nominated subsequently on the basis of a disclosure statement allegedly made by Lakhwinder Singh @ Lucky recorded on 5.2.2021, wherein while admitting that he had entered into a conspiracy with Sushila to commit the offences, he stated that he had asked the petitioner Dilshad Singh @ Rajat to collect a bag from Sushila. It has been submitted that it is the case of prosecution that the petitioner accordingly collected the bag.
4. Learned counsel for the petitioner has submitted that the petitioner Dilshad Singh @ Rajat was subsequently arrested on 7.2.2021 and is stated to have admitted having collected the bag. He, however, stated that later when he checked the bag and found that there was huge money and gold ornaments in

the said bag. Learned counsel has been submitted that, even if, all the allegations as levelled in the FIR and the disclosure statement are taken to be correct, the petitioner cannot be attributed any role as regards the alleged poisoning or setting the house of the complainant on fire or regarding the theft of jewellery and cash and that since the petitioner, in any case, has been behind bars for a substantial period, he deserves the concession of bail.

5. On the other hand, learned State counsel has submitted that since the opinion of the doctor/expert does show that there had been some kind of poisoning and the petitioner, upon being arrested, led to recovery of an amount of Rs.1.65 lakhs, 3 bangles and a gold '*kara*' from his house, his complicity is clearly evident. Learned State counsel has, however, informed that the petitioner is not involved in any other case and has been behind bars since the last 1 year and 4 months and that as on date only 1 out of the cited 14 PWs has been examined.
6. I have considered rival submissions addressed before this Court.
7. Though it may be said that it could be debatable as to whether the petitioner had connived or conspired with the other co-accused as regards the alleged poisoning of the complainant and her husband or setting their house on fire but the factum of recovery of huge amount of cash and jewellery would certainly attract an offence under Section 411 of Indian Penal Code. However, this Court also finds that the petitioner has been behind bars for a substantial period of 1 year and 4 months. The conclusion of trial is likely to consume time as only 1 out of cited 14 PWs has been examined so far. The petitioner is not even stated to be a previous convict. In these circumstances, further detention of the petitioner will not serve any useful purpose. The

petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

7.2.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No