

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

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**CRM-M-20772-2022 (O&M)
Date of Decision: 20.03.2023**

Lakhwinder Singh @ Lucky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gulzar Mohammed, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. This is second petition seeking grant of regular bail filed on behalf of the petitioner in a case registered against him vide FIR No.16 dated 05.02.2021 at Police Station Shahkot, District Jalandhar, under Sections 307, 381, 436, 120-B, 411 & 328 IPC.
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 30.01.2021 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 10:00 - 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 realized 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 05.02.2021, 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 he has falsely been implicated in the present case and that there is no evidence worth credence to show his involvement in the entire occurrence and that the only evidence against him is in the nature of disclosure statement made by co-accused Sushila. It has also been submitted that since co-accused Dilshad from whom recovery of cash and gold ornaments was effected has been granted bail, the petitioner deserves the same concession on grounds of parity.
4. On the other hand, learned State counsel has submitted that the petitioner was hand in glove with co-accused Sushila and it was at his instance that Sushila poisoned the complainant and her husband and set their house on fire and took valuables since he held out a representation to co-accused Sushila that after committing theft, they will flee to Dubai and get married. It has further been submitted that it was pursuant to a disclosure statement made by the petitioner himself that Dilshad Singh was apprehended and from whose possession the stolen cash and gold

ornaments were recovered and as such, the petitioner cannot claim parity with co-accused Dilshad Singh.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the FIR does not name the petitioner and the petitioner came to be nominated on the basis of disclosure statement made by co-accused Sushila, who disclosed the entire *modus operandi*. She also specifically disclosed that the petitioner had held out a representation to her that after committing theft, they would flee to Dubai and get married. She disclosed that the petitioner had told her to hand over the bag containing jewellery etc. to Dilshad. It is also worth noticing that when Dilshad came to be arrested, the stolen cash and gold ornaments were recovered from him. No doubt, co-accused Dilshad Singh has been granted bail, but in the order dated 07.02.2022 passed by this Court granting bail to Dilshad it was specifically observed that the role of the petitioner-Dilshad would be debatable as to whether he had indeed connived and conspired with the co-accused as regards the alleged poisoning of the complainant or setting the house on fire though his role in respect of Section 411 IPC could be said to be *prima facie* made out. On the other hand, the evidence against the petitioner would clearly show that the petitioner is part & parcel of the conspiracy to commit the offence in question by poisoning the complainant and her husband, setting the house of the complainant on fire and to commit the theft, as is evident from the disclosure statement of co-accused Shushila. Said disclosure statement stands duly corroborated from the fact that it is pursuant to the disclosure statement of the petitioner that recovery of the stolen cash and gold ornaments was effected from co-accused Dilshad.

7. During the course of arguments, learned counsel for the petitioner has also referred to the statements of PW-2 Amit Goyal, PW-3 Munish Goyal, PW-4 Ramesh Kumar Goyal and PW-5 Sita Goyal (complainant) to contend that they have categorically stated that they had not seen the petitioner. However, the aforesaid fact would not be of much consequence inasmuch it is not the specific case of the prosecution that the petitioner was also present at the spot. Rather, it is the circumstantial evidence, which points towards the complicity of the petitioner.
8. Having regard to the heinous nature of crime i.e. the poisoning of the complainant and her husband and setting their house on fire and thereafter committing theft, this Court does not deem appropriate to release the petitioner on bail at this stage.
9. The petition, as such, is sans merit and is dismissed.

20.03.2023
Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**