

CRM-M-54651-2023 (O&M)

-1-

105 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-54651-2023 (O&M)  
Date of decision : 21.11.2023

Ravinder Machra @ Manu

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

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

Mr. Kiran Pal Singh, AAG, Haryana,  
for the respondent.

Mr. Pardeep Solath, Advocate,  
for the complainant.

**MAHABIR SINGH SINDHU, J.**

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioner in FIR No.207 dated 24.05.2019, under Sections 302, 120-B and 201 of the Indian Penal Code, 1860, (for short, 'IPC') registered at Police Station Azad Nagar, District Hisar.

2. Status report dated 18.11.2023 by way of affidavit of Vinod Shankar, HPS, Deputy Superintendent of Police, Head Quarter, Hisar, on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

CRM-M-54651-2023 (O&amp;M)

-2-

3. Above FIR was registered on the basis of statement made by complainant-Dalip Singh with the allegations that petitioner along with other co-accused murdered his daughter-Suman by administering poison. They also conspired to murder complainant as well as his son. For brevity, the contents of FIR are reproduced as under:-

*“(1) That I applicant Dalip Singh son of Hazari Singh resident of House No. 91 Navdeep Colony Hisar. I am a senior citizen. I am 75 years old and I am an Ex-serviceman. I am a responsible law abiding citizen. (2) I have two daughters and a son. The name of my elder daughter is Ranjna Kumari, name of my younger daughter is Suman and name of my son is Vidya Sagar Singh. My son is employed in Frero India Private Limited firm at Pune. My younger daughter Suman was married during the month of June 2003 to the abovementioned accused No. 1. The marriage was solemnized as per Hindu rites. This was an arranged marriage. During this marriage I had spent enough amount beyond my financial approach. We had given enough dowry to my daughter Suman. Out of this wedlock my daughter has a son Yashvir born on 01.03.2005. (3) That since last 4-5 years the accused No. 1 is harassing my daughter Suman Manchra. My daughter had intimated us that the behaviour of her husband is changing. That he quarrels with the daughter of the applicant on trifle matters. We advised accused No. 1 and his family members many times. The house of my daughter Suman is around 30 metres away from my house. We used to visit their house from time to time and used to advise them not to quarrel. (4) The house where my daughter Suman was living with her husband, that house was built by me during the year 2008-09. The plot on which this house was built that plot was also donated by me to my daughter at the time of her marriage. (5) That Suresh Kumar is my first nephew. His father has passed away many years back. Since the death of his father Suresh Kumar lives with me. He was married to aforementioned accused No. 3 on 18.06.2006. (6) That my daughter Suman Machra was employed as a teacher at Thakur Bhargav Das Senior Secondary School Rajgarh Road Hisar since long. (7) Since last 2-3 years Urmila/(accused) wife of my nephew started meeting accused No. 1 and they developed deep relationship. In this connection we many times had advised them, we had many time warned parents of accused No. 3 regarding illicit relationship between accused No. 1 and accused No. 3. They had also tried to advise accused No. 1 and accused No. 3 (8) That Accused No. 1 mobile phone No. 99917-01073 and accused No. mobile phone No. 85709-78463 accused No. mobile phone No. 90349-80407 they talk to each other through these mobile phone Nos. Accused No. 1 and accused No. 3 usually talk to each other through these mobile phone Nos. they had been advised many time but they did not deter. (9) That aforementioned accused No. 3 Urmila is employed as a*

*Nurse at Primary Health Centre Nevli Kalan, she daily travel up and down from her house to attend her duty. Even after much advices accused No. 1 and accused No. 3 did not deter from meeting each other. Both the accused started enmity towards my family members and my daughter Suman Machra. (10) That on date 11.12.2018 accused No. 1 intimated me at 10:30 Hrs and requested me to reach there and see that something has happened to Suman Machra. I reached at their house and saw that my daughter Suman Machra was lying unconscious on a bed. Her teeth were closed, froth was coming from her mouth and her whole body had stiffened. He asked me to take Suman to a hospital. I along with accused No. 1 and accused No. 3 took my daughter Suman to Sapra Hospital Defence Colony Hisar. There doctor saw my daughter and declared her dead. The doctor further intimated me that my daughter Suman had died 3-4 hours earlier. I being an old aged person on seeing my daughter I got perplexed and I became semi-unconscious and I could not utter from my mouth. Accused No. 1, hurried took my daughter Suman to his ancestral village Bhatt District Fatehabad for her last rites. His family members cremated my daughter Suman. I and all of my family members were perplexed due to the untimely death of my daughter Suman. Her death caused a great loss to us. The abovementioned accused at that time did not make us to doubt whether it was a natural death or murder. (11) That after a few days of the death of my daughter these accused started going here and there and started evading to meet us. Our neighbours started doubting that the death of my daughter Suman was not a natural death rather it was a murder. That the abovementioned in connivance with each other had poisoned my daughter and killed her. I also started doubting the accused of foul play. I started collecting information from here and there. (12) My son Vidya Sagar came from Pune, he inserted pen drive in his laptop and made me to hear audio conversations. On hearing these conversations we were stunned. In that pen drive there is conversation of all the three accused. After hearing their conversation, it is clarified that my daughter Suman did not die a natural death rather these accused in connivance with each other planned a conspiracy and she was killed. It also transpires from the conversation that the accused are planning to kill me, my son Vidya Sagar and my nephew Suresh Kumar (husband of accused No. 3) some excerpts of this audio clipping are enclosed herewith, written in exhibit No. 1. It should be assumed as part of this application. (13) From the conversation in between the abovementioned accused we are sure that the abovementioned accused in connivance with each other had killed my daughter Suman. Due to illicit relations between accused No. 1 and 3, all the abovementioned accused in connivance with each other had killed my daughter. Accused No. 2 is a very cunning rascal. He was already convicted and jailed. Hence I, my son and my nephew are under threat of our lives and materially also. The accused can go to any extent to harm us. It is requested that the impartial enquiry of the above case should be got conducted by some high ranking officer and through crime branch. A strict legal action should be taken against the above-mentioned accused.”*

4. Learned counsel for the petitioner submits that alleged occurrence is dated 11.12.2018; whereas present FIR was registered on 24.05.2019 i.e. after a delay of more than five months. Further submits that complainant had no doubt of any foul play regarding the death of his daughter and moreover no postmortem was conducted of the dead body. Still further, submits that complainant himself was present at the time of cremation and moreover, co-accused (Pramod) has already been arrested, but no incriminating material against the present petitioner was found during investigation. Lastly submitted that petitioner is fully cooperating with the police and he will again join the investigation, if so required.

5. Per contra, learned State counsel, while opposing the prayer of petitioner, submitted that his custodial interrogation is required to unearth the true facts of the case. Further submits that petitioner in connivance with other co-accused has conspired to murder Suman and which is evident from the FSL report, wherein voice samples of all three accused are stated to be of probable matching. Apart that, from disclosure of main accused (Parmod Kumar), the role of petitioner is quite apparent.

6. Learned counsel for the complainant also vehemently opposed the prayer and submits that immediately after 04 days, as a counter blast and just to put pressure, an FIR No.214 dated 28.05.2019, under Sections 354-A, 376(2)(n), 376(2)(f), 452, 506 read with Section 34 of the IPC, at Police Station Azad Nagar, District Hisar, was registered against the complainant

by co-accused Urmila. He further submits that delay in registration of the FIR was due to misconception of facts and which have already been explained in the version of the complaint. Lastly submitted that petitioner is very much involved in hatching a conspiracy for murder of complainant's daughter; therefore, he does not deserve the concession of pre-arrest bail.

7. Heard learned counsel for the parties and perused the paper-book.

8. State of Haryana, while filing status report, has brought on record the transcript of Pen Drive as Annexure R-4 and from bare perusal of the same, complicity of the petitioner is quite discernible. Also noteworthy that Pen Drive was sent to Forensic Science Laboratory, Madhuban and FSL report dated 10.09.2020 has been received, which clearly indicates the voice samples of all three accused (Ravinder, Pramod (petitioner) & Urmila) being probable matching. For reference, relevant part of the FSL report is extracted as under:-

**“LABORATORY EXAMINATION**

*The utterance stated to be spoken by speakers Ravinder, Pramod and Urmila are marked Q1(A), Q1(B) and Q1(C) were segregated from CD-R marked exhibit-Q1.*

*On the basis of auditory and spectrographic examination of questioned voice sample marked Q1(A), Q1(B) and Q1(C) with the specimen voice samples of Ravinder, Pramod and Urmila marked S1(A), S2(B) and S3(C) using multi speech software. **It is has been observed that voice marked Q1(A), Q1(B) and Q1(C) are the probable voice of same person i.e. Ravinder, Pramod and Urmila whose specimen voice are marked S1(A) (Ravinder), S2(B) (Pramod) and S3(C) (Urmila) respectively in respect of available 'acoustic' and other 'linguistic & phonetic' features.**”*

9. In view of the facts and circumstances discussed herein above, it appears *prima facie* that petitioner actively participated in hatching a conspiracy for causing death of Suman; hence, his custodial interrogation is very much necessary to find out the truth in the entire episode.
10. Consequently, this Court is not inclined to grant concession of pre-arrest bail to the petitioner.
11. As a result thereof, there is no option except to dismiss the petition.
12. Ordered accordingly.
13. Needless to say that observations made above shall not be construed as an expression of opinion on merits of the controversy, in any manner.
14. Pending application(s), if any, shall also stand disposed off.

21.11.2023  
adhikari

(MAHABIR SINGH SINDHU)  
JUDGE

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |