

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-47244-2023

Date of decision: 30th January, 2024

Ajinder Pal Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sherry K. Singla, Advocate for the petitioner.
Mr. Parneet Singh Pandher, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
80	28.04.2021	Dehlon, District Ludhiana	498-A, 326 read with Section 34 of Indian Penal Code, 1860 (for short 'IPC')

2. Brief facts relevant for the purpose of disposal of this petition are that on 28.04.2021, on receipt of an information regarding admission of one Ravinder Kaur in Deepak Hospital, Ludhiana on sustaining burn injuries, a police party reached there. The victim was opined to have sustained 70% burns but as per the opinion of the doctor she was fit to record statement. Therefore, after seeking permission and after moving due application, the statement of the victim was got recorded by a Magistrate, wherein, she stated that on the same day, at about 10:00 AM, while leaving for his work, her husband i.e. the petitioner gave a match box to her while

saying that she could do with the same whatever she wished following which, she set herself ablaze. She further recorded that her husband was a greedy person who wanted to own land and other properties of her parents. Her in-laws were also dissatisfied with a motorcycle given in the dowry and harassed her and compelled her to bring a car. She also stated that even after she had sustained injuries, her mother-in-law did not do any effort to rescue her. Rather her mother in law simply informed her daughter and the information was given to her parents. On receipt of the information by her parents, she was taken to the hospital. On the basis of this statement, initially a case under Section 498-A and 326 read with section 34 of IPC was registered. The victim succumbed to her injuries on 02.05.2021 and as per the post mortem report, the cause of death was due to septicemia as a result of thermal burns. Post mortem examination of dead body of the victim as well as inquest proceedings were conducted. Statements of the parents of the victim and other material witnesses were recorded. Offence under section 304-B of IPC was added. The petitioner was arrested on 05.08.2020. After completion of necessary investigation and usual formalities, challan under section 173 Cr.P.C. was presented in the Court for trial of the accused. Mother of the petitioner, who was also nominated as an accused has been extended benefit of anticipatory bail. The petitioner had also filed an application for grant of bail before the Court of learned Additional Sessions Judge, Ludhiana which was dismissed on 29.08.2023.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in

this case. Infact, the victim was suffering from severe mental depression and was having suicidal tendencies. She was having treatment from Mind Plus Health Care Private Limited Hospital, Ludhiana, since the year 2016 i.e. even prior to her marriage. As per the medical prescriptions issued by the said hospital, she was diagnosed with suicidal risk in the month of August 2020 whereas their Shagun ceremony was performed in the month of July 2020 and marriage was performed on 30.01.2021. He has further submitted that infact the petitioner had reached his office on the fateful day at 9:28 AM and it was on receiving a call from his sister at 10:02 AM through her mobile, that he had rushed to his house and got the victim admitted in the hospital immediately from where she was referred to some other hospital and this falsified the story that the victim kept on burning for one hour before she was taken to the hospital. It is further submitted that the co-accused has been extended benefit of anticipatory bail. The investigation has completed. Trial has commenced but even after availing several opportunities, no witness has been examined so far. As such trial is likely to take time. He is in custody for a period of more than three and half years. Custodial interrogation of the victim is not required. No useful purpose would be served by detaining him in custody. It is argued that he deserves to be given benefit of anticipatory bail as he is ready to join the investigation.

4. The respondent-State has filed status report. Learned State counsel has vehemently argued that there are serious allegations against the petitioner which are also specific in nature. Even if the allegation that the victim was suffering from depression and had suicidal tendencies is accepted

to be correct on the face of record, the documents produced on record in the form of prescription slips and certificate of doctor showing that the victim was under depression and her treatment was going on since the year 2016, are to be proved in evidence and their veracity has to be held by the learned trial court after appraising the entire evidence placed on record. However, even if it is assumed for the sake of arguments that the victim was in depression, even then the act and conduct of the petitioner of handing over a match stick to her in a fit of rage as disclosed by him in his disclosure statement, while leaving his house on the fateful day and saying that she could do whatever she wished with the same, certainly *prime facie* amounts to his intentionally aiding the victim to burn herself and also instigation on the part of the petitioner to abet the suicide of the victim as he fully knew that she was already under depression and was having suicidal tendencies. Taking all these circumstances into consideration, I am of the considered opinion that the petitioner is not entitled to concession of anticipatory bail. The well settled proposition of law is that pre-arrest bail should not be granted lightly or in a routine manner. Granting or refusal of such bail depends upon variety of circumstances, the cumulative effect of which should enter the judicial verdict. The powers under Section 438 of Cr.P.C. are to be exercised sparingly and in exceptional cases. The court is also required to see that an order of anticipatory bail does not operate as inroad in the normal legal procedure of criminal cases by the trial Court. At the time of deciding such application, the Court has to consider the nature of offence, the role of the person, the likelihood of his influencing the course of

investigation or tampering with evidence including intimidating witnesses as well as larger public interest. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstances entitling the petitioner to seek concession of pre-arrest bail has been made out rather his custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

5. No other point, worth consideration, has either been urged or pressed by learned counsel for the parties.
6. Needless to mention that nothing observed, hereinabove, would reflect, on the merits of the case, in any manner as the same has been recorded for the limited purpose of deciding the present petition only.

[MANISHA BATRA]

JUDGE

30th January, 2024

Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No