



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33057 of 2024(O&M)

Date of Order:25.08.2025

Sudhir Jayani

.Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. D.N.Ganeriwala, Advocate
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG, Punjab

Mr. Rajesh Narang, Advocate
Mr. Abhinav Narang, Advocate
for the complainant.

SHALINI SINGH NAGPAL, JUDGE

1. First petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail in case arising out of FIR No.195, dated 08.12.2027, registered under Section 304-B and 120-B IPC, Police Station Sadar, Fazilka.

2. As per FIR version, complainant Rajneesh Kherva alleged that on 4.11.2016, his sister Deepika was married with Sudhir Kumar, son of Om Prakash Jatt as per Hindu customs. On demand of Sudhir Kumar, his father, Om Prakash and mother Pawan Kumari spent around 35 lakhs on the marriage after selling their land. Household articles, gold and silver ornaments were given. After some time of the marriage, Sudhir Kumar and his parents started taunting his sister for bringing insufficient dowry and raised demand for car. On 01.12.2026, they purchased one new i20 sports



car to rehabilitate his sister in the house of her in-laws. After after sometime, his sister informed him about illicit relations of Sudhir Kumar with one Roop Saloni daughter of Jagdish Karwasra, who also instigated Sudhir Kumar to demand more money and dowry in order to compel his sister to divorce Sudhir, but his sister wanted to live in the matrimonial home. Sudhir Kumar, his father and mother raised demand of ₹10 lakhs for sending his sister away to Australia. When his sister pleaded before them, she was beaten up and turned out of the matrimonial home on 11.11.2017. On 13.11.2017, she was sent back to the matrimonial home. On 14.11.2017, at about 3:30 PM, when he and his father Ved Prakash were present in their house, they were telephonically informed that when Sudhir and Deepika were going on their i20 car to Fazilka, the car fell in Gang Canal . He along with his father and relatives reached Gang Canal, pulled out the car and found the dead body of his sister Deepika, which was taken to Civil Hospital Fazilka for postmortem. Sudhir Kumar was not in the car, proceedings under section 174 Cr.P.C. were initiated. Later on, they came to know that his sister was murdered under a conspiracy by Sudhir Kumar and his parents, in order to perform marriage with Roop Saloni by intentionally throwing the car into Canal, out of greed for dowry.

3. Learned counsel for the petitioner, inter alia, submits that on 14.11.2017 the car, in which the petitioner and his wife (now deceased) were travelling, met with an accident, due to which the car fell down into a 40 feet deep canal. It is submitted that a passer-by, namely, Amritpal Singh @ Lila Madaan had informed the police about the incident. Two other passers-by, namely, Ram Partap Singh and



Gauri Shankar rescued the petitioner from the canal. It is stated that the statements of the said passers-by, namely, Amritpal Singh @ Lila Madaan, Ram Partap and Gauri Shankar have been recorded and the same are on record as Annexures R-1/T to R-3/T respectively. It is submitted that in that unfortunate incident, the wife of the petitioner drowned in the canal. Thereafter, inquest proceedings under Section 174 Cr.P.C. Were initiated by the police on 14.11.2017 itself in the presence of family members of both sides. The father of the deceased, after thorough enquiry in the presence of his son/present complainant has stated that the incident was an accident and no foul play was attributed to the petitioner or any of his family members. In this regard a DDR No.21 dated 14.11.2017 (Annexure P-1) was duly registered and the case was closed.

4. Learned counsel submits that 24 days thereafter, the brother of the deceased made a complaint before the police on 08.12.2017, on the basis of which, the present FIR (Annexure P-2) came to be registered against the petitioner and his family members under Sections 304-B and 120-B IPC. It is submitted that thereafter the complainant has made a representation seeking constitution of an SIT (Special Investigation Team) to investigate into the death of his sister. Even petition bearing No.CRM-M-33556-2018 was filed by the complainant before this Court seeking constitution of an SIT. Learned counsel submits that during pendency of the said petition, the complainant filed three other applications seeking same relief i.e. formation of an SIT. Ultimately, as per order dated 23.5.2018 an SIT comprising of Superintendent of Police (S), Fazilka, Deputy Superintendent of Police, Fazilka and the Station House Officer,



Khui Khera was constituted. Upon investigation, Inquiry Report (Annexure P-3) dated 11.2.2019 was prepared as per which there is no evidence found to implicate the petitioner and his family members. As such, a Cancellation Report, was prepared on 20.02.2019, which was approved by the Senior Superintendent of Police, Fazilka. It is submitted that this fact has been admitted by the State in para 3(iii) of their Status Report dated 19.8.2024 filed by way of affidavit of Shubeg Singh, PPS, Deputy Superintendent of Police, Sub-Division Fazilka, District Fazilka.

5. Learned counsel contends that thereafter three other SITs have been constituted by the State at the insistence of the complainant. The petitioner has been found innocent in all the SITs constituted so far. It is submitted that the further investigation initiated by the 4th SIT has been stayed by this Court vide order dated 22.6.2020 (Annexure P-6) by a co-ordinate Bench of this Court in CRM-M-15981-2020, wherein it has been directed that "...It is made clear that the concerned Inspector General of Police will not proceed with the inquiry initiated by him against the petitioners". It is contended that the petitioner was being continuously harassed by the investigating agencies by constituting numerous SITs for an incident, which was almost seven years old and which had already been investigated into by four SITs. Learned counsel for the petitioner prays that interim relief granted vide order dated 26.11.2024, be made absolute as the petitioner had joined investigation, pursuant to order of this Court dated 26.11.2024.

6. Learned State counsel concedes fairly that pursuant to order of interim bail, petitioner joined investigation on 04.12.2024 and cooperated



with the Police. Status report by way of affidavit of Deputy Superintendent of Police, Sub-Division Fazilka, Fazilka, is already on record.

7. Learned counsel for the complainant, however, opposes the prayer for anticipatory bail, arguing that the petitioner was misrepresenting regarding constitution of SITs at the instance of the complainant. In fact, four SITs were constituted, two at the instance of the petitioner and two at the instance of the complainant. He further submitted that the investigation reports of two SITs were in favour of the petitioner and two were in favour of the complainant. He urged that involvement of other three accused was also under scanner and was yet to be ascertained during investigation. In case of release of the petitioner on anticipatory bail, he would threaten other witnesses. Therefore, the petition for anticipatory bail deserved to be dismissed.

8. Heard.

9. From the status report, dated 19.05.2025, filed by the State, it emerges that an SIT was constituted on 23.05.2018 by Senior Superintendent of Police, Fazilka. The matter was investigated and it was reported that the car had fallen down in the Canal when the driver lost control and Deepika died due to drowning. On that basis, S.H.O, Police Station, Sadar Fazilka prepared a cancellation report on 22.02.2019.

10. It is further revealed that on 26.03.2019, on an application of complainant, Rajneesh Kherwa, another SIT was constituted by IGP, Ferozepur Range, Ferozepur. Investigation was conducted and report dated 10.05.2019 was submitted on the lines that all the accused including petitioner were found guilty. Thereafter, on another application of Arvind,



brother of the petitioner to A.D.G.P. (Crime), Punjab, investigation was conducted by Superintendent of Police, Crime zone, Bathinda. Om Prakash, Pawan Kumari and Roop Saloni were found innocent in investigation and the offence under section 279, 304-A IPC was found made out against Sudhir Kumar. Offence under Section 304-B IPC was deleted and Section 304-A IPC was added.

11. On 17.03.2020, on another application of Rajneesh Kherwa, SIT was constituted. The matter was investigated and recommendation was made to initiate and complete investigation under section 304-B, 120-B IPC. A detailed investigation report is stated to have been submitted to DGP, Punjab, for approval.

12. It is conceded in the status report that petitioner is the only accused, who has been booked under section 304-B IPC. It is further conceded that as per orders of this court, he has joined investigation on 04.12.2024. Considering the entire facts and circumstances of the case, as enumerated above but without commenting on merits, order dated 26.11.2024, granting anticipatory bail to the petitioner is made absolute, subject to conditions laid down in Section 482(2) Bhartiya Nagarik Suraksha Sanhita, 2023.

13. All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

25th August, 2025

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