



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

251

CRM-M-43447-2024 (O&M)
Date of Decision:- 19.02.2025

SATISH KUMAR @ SATI RAM

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vrishank Suria, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 18.02.2025 filed in the form of an affidavit of Assistant Commissioner of Police, (South), Police Commissionerate Ludhiana is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
308	08.11.2022	302 and 34 IPC	Sahnewal, Ludhiana, Punjab

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 26.11.2022 and has no concern whatsoever with the allegations levelled in the FIR. He further contends that the deceased himself had consumed poisonous substance and committed suicide with which the petitioner has no concern. He submits that the deceased happens to be the husband of petitioner's daughter and due to a matrimonial discord, the complainant has wrongly implicated the petitioner in the present case. He further submits that there is discrepancy in the version of the prosecution as it is the case mentioned in the FIR that the deceased was tied by the accused and forcibly administered poison, whereas in the cross-examination, the complainant while appearing as PW-1, showed ignorance regarding the location where the deceased was administered poison and whether his son was tied at that time or not. He submits that the conclusion of trial will take sufficient long time and prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has categorically opposed the contentions advanced by learned counsel for the petitioner by submitting that the petitioner happens to be the prime accused in the occurrence who had administered poison forcibly to the deceased. He submits that the deceased, before being rescued, had telephonically informed the complainant and his brother about the active role played by the petitioner, recording qua which has already been referred to in the challan. He further submits that as per the report of chemical examiner, the cause of death has been found to be poison. He thus



submits that the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it is observed that the instant FIR was registered on the basis of statement of complainant alleging that his son Rajneesh was married to the daughter of petitioner and on 06.11.2022 at about 11:00AM-12:00 Noon, he received a call from his son Rajneesh that his father-in-law (petitioner herein), mother-in-law, wife, brother-in-law, and one son of his uncle had tied him and forcefully administered poison to him, and after that they had fled away from the spot. The complainant called his other sons Shivraj and Sumit to reach at the house of Rajneesh immediately. When Sumit reach the house, Rajneesh recounted the entire occurrence to him and meanwhile, Shivraj also reached there. Thereafter, Rajneesh fell unconscious and was shifted to hospital for treatment, where he expired on 07.11.2022. As per the complainant, the motive behind the occurrence and his son being harassed by his in-laws, was on account of matrimonial discord, due to which the accused murdered his son by forcibly administering poison to him.

7. During the course of investigation, the petitioner was arrested on 26.11.2022 and after the completion of investigation, challan was presented in the Court. It is evident from the perusal of the record that there are specific allegations against the petitioner of having forcibly administering poisonous substance to the deceased, leading to his ultimate demise. As per the report of Chemical Examiner, the cause of death is due to poisoning. Moreover, it is the case of prosecution that after being



administered poison, the deceased had telephonically informed his father i.e. complainant about the incident, who sent his other sons Sumit and Shivraj to the spot and the deceased had recounted the entire occurrence to his brother Sumit before fainting. As per learned State counsel, the telephonic conversation between the deceased and complainant, narrating the entire occurrence immediately, is already the part of the challan. So far as the discrepancy pointed out by learned counsel for the petitioner in the statement of the witness is concerned, that has no consequence at this stage, because the trial is already going on, and the evidence is to be appreciated by learned trial Court. However, a perusal of record would reveal that PW-1 Rajaram-complainant is never alleged to have visited the spot, so as to tell that whether his deceased son was tied at that time or not.

8. In these circumstances, considering the serious nature and gravity of offence involved, the petitioner is not entitled to the concession of bail at this stage. Accordingly, the present petition is dismissed.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.02.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No