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RAVI KUMAR V/S STATE OF HARYANA

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

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (third) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") in case FIR No.126 dated 01.06.2018 under Sections 285, 148, 149, 452, 364, 365, 302, 201 and 120-B of the Indian Penal Code, 1860 (for short, "IPC") and Section 25 of the Arms Act, 1959 registered at Police Station Bhattu Kalan, District Fatehabad.

The first two petitions filed by the petitioner before this Court for grant of regular bail were dismissed as withdrawn vide orders dated 22.04.2019 and 27.02.2020 respectively.

The present (third) petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Satender Kumar, HPS, Deputy Superintendent of Police, Traffic, Fatehabad.

FIR regarding abduction of Sunita Rani and Dharambir was lodged by Rai Singh on 01.06.2018. Dharambir was subsequently murdered by the persons who had abducted him. Whether any efforts were made by the police to rescue the couple is not disclosed in the above said reply. Statements of Sunita were got recorded under Section

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164 of the Cr.P.C. twice who had also named the persons with whom her husband Dharambir was last seen by her. Custody of Sunita who would have been aggrieved by commission of the offences continued with her father/other family members and no efforts appear to have been ever made for her protection despite the fact that she was an important witness against the accused all or most of whom were her relatives. As per the above said reply 15 accused were involved in the present case in commission of the offences mentioned out of which 12 accused have been arrested so far but 3 accused namely Neki Ram, Balwant and Sher Singh are still absconding despite expiry of more than 2 years. There is no mention in the reply as to what steps regarding getting them declared as proclaimed offenders and attachment and sale of their properties have been taken. Also there is no mention as to what was the role of father, brother (if any), and other family members of Sunita in commission of the subject offences. Charge-sheet was filed initially against 6 accused on 01.09.2018 and thereafter supplementary charge-sheet was filed against 4 accused on 16.02.2019 while another supplementary charge-sheet was filed against 2 accused on 16.05.2019. Out of 12 accused charge-sheeted by the police 10 accused have been granted bail and the present petitioner is also seeking grant of regular bail inter alia on the ground of parity with his co-accused and examination of only one prosecution witness out of 44 prosecution witnesses. In the very nature of things the delay in examination of the prosecution witnesses is attributable to filing of two supplementary charge-sheets by the police with time gaps of 5 and 3 months respectively. Copies of the relevant documents have also not been filed

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with the reply.

Learned State counsel seeks time to file additional reply with copies of the relevant documents.

Adjourned to 10.11.2020.

Additional reply along with copies of relevant documents be filed in the registry before that date.

It may be observed here that the case involves allegations of honour killing of Dharambir by persons whose honour was allegedly subjected to disgrace by the deceased by performing marriage with their relative Sunita Rani (daughter of Sita Ram). Hon'ble Supreme Court has in a catena of judgments considered the offence of honour killing to fall in the category of rarest of rare cases warranting death sentence.

In ***Bhagwan Dass vs. State (NCT) of Delhi (SC): 2011 (2) R.C.R. (Criminal) 920***, Hon'ble Supreme Court observed as under:-

*“9. Many people feel that they are dishonoured by the behaviour of the young man/woman, who is related to them or belonging to their caste because he/she is marrying against their wish or having an affair with someone, and hence they take the law into their own hands and kill or physically assault such person or commit some other atrocities on them. We have held in ***Lata Singh v. State of U.P. & Anr., 2006(3) R.C.R.(Criminal) 870 : 2006(3) R.C.R.(Civil) 738 : 2006(2) Apex Criminal 670 : (2006)5 SCC 475***, that this is wholly illegal. If someone is not happy with the behaviour of his daughter or other person, who is his relation or of his caste, the maximum he can do is to cut off social relations with her/him, but he cannot take the law into his own hands by committing violence or giving threats of violence.”*

In that case Hon'ble Supreme Court further observed as

under:-

“22. Before parting with this case we would like to state that 'honour' killings have become commonplace in many parts of the country, particularly in Haryana, western U.P., and Rajasthan. Often young couples who fall in love have to seek shelter in the police lines or protection homes, to avoid the wrath of kangaroo courts. We have held in Lata Singh's case (supra) that there is nothing 'honourable' in 'honour' killings, and they are nothing but barbaric and brutal murders by bigoted, persons with feudal minds.

23. In our opinion honour killings, for whatever reason, come within the category of rarest of rare cases deserving death punishment. It is time to stamp out these barbaric, feudal practices which are a slur on our nation. This is necessary as a deterrent for such outrageous, uncivilized behaviour. All persons who are planning to perpetrate 'honour' killings should know that the gallows await them.”

It may also be observed here that cases involving honour killing require fast track investigation by Special Investigation Teams having members with requisite expertise without any undue delay in investigation and unwarranted sympathy with the offenders while making sincere dedicated serious efforts for collection of circumstantial evidence available, taking of steps for protection of the witnesses including the survivor-wife or the husband and other important witnesses in completion of the chain of circumstantial evidence incriminating the accused responsible for commission of the heinous offence and also fast track trial before the Court for early disposal of the case by securing presence of the prosecution witnesses before the Court.

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Although this matter has come up before this Court for hearing on petition filed under Section 439 of the Cr.P.C. for grant of regular bail by petitioner-Ravi Kumar, one of the accused charge-sheeted by the police, limited to the question of grant of regular bail to the petitioner, yet the facts and circumstances of the case also call for interference by the Court in exercise of its powers under Section 482 of the Cr.P.C. to prevent abuse of process as well as for securing the ends of justice.

In the facts and circumstances of the case, the Director General of Police, Haryana is directed to file an affidavit on or before the date fixed giving the following information:-

- (i). the number of cases involving honour killing registered in the State of Haryana in which investigation or trial is pending;
- (ii). the steps taken for securing fast track investigation and fast track trial of such cases and
- (iii). steps taken for protection of the survivor-wife or the husband and other important witnesses in the completion of the chain of circumstantial evidence incriminating the accused responsible for commission of the heinous offence.

A copy of this order be sent to the Director General of Police, Hayana for requisite compliance.

26.10.2020

Vinay

**(ARUN KUMAR TYAGI)
JUDGE**