

ITEM NO.4

COURT NO.11

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)..... CRLMP No(s).
6511/2017

(Arising out of impugned final judgment and order dated 03/04/2017
in CRM No. 4393/2017 passed by the High Court Of Punjab & Haryana At
Chandigarh)

KEWAL KRISHAN GARG AND ANR

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

Respondent(s)

(with appln. (s) for permission to file SLP and interim relief)

WITH

SLP(Crl) No. 3134/2017

(With appln. for permission to file addl. documents and exemption
from filing O.T. and with Office Report)

Date : 20/04/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. K.V. Vishwanathan, Sr.Adv.

Mr. Nidhesh Gupta, Sr.Adv.

Ms. Tarannum Cheema, Adv.

Mr. Tarun Gupta, Adv.

Ms. Vriti Gujral, Adv.

Ms. Hiral Gupta, Adv.

Mr. Manvendra Singh, Adv.

For Mr. Sanjay Jain,Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

S.L.P.(Criminal)...../2017 (Cr1.M.P.No.6511/2017)

Permission to file the special leave petition is granted.

Heard Mr. K.V. Vishwanathan, learned senior counsel appearing on behalf of the petitioners.

Learned senior counsel submits that at several places of the impugned order, the learned Judge of the High Court has made certain observations, which may effect the trial of the case. It is requested by learned senior counsel that those observations may be deleted from the impugned order.

Taking into consideration the observations made by the High Court, we direct that the following observations may be deleted from the impugned order :-

S.NO	PARTICULARS	PAGE NO.
1.	It is also not in dispute that the death was caused within seven years of the marriage. In this view of the matter, a clear-cut presumption is raised against the petitioner, his father and mother and the presumption can be rebutted by the defence only during the trial.	-Page 8, para 2, 4 th line from top
2.	This clearly shows the conduct of the petitioner and his parents who had scant regard and chargin	Page 9, para 1, last 2

	for Gitanjali.	lines
3.	There are many aspects of evidence that satisfy the ingredients of Section 304-B, Indian Penal Code. It is not only against the petitioner that there is a prime facie evidence but with the help of section 107 and 109, Indian Penal Code, the petitioner's father and mother both appear to be, prime facie, responsible for the abetment.	Page 10, para 1, 2 nd line from top
4.	I have gone through all the statements and I find that there is an overwhelming evidence against the petitioner and his parents for commission of offences under Sections 107, 109, 304-B, 120-B read with Section 34, Indian Penal Code	Page 10, Last para, first 4 lines
5.	The father of the petitioner is a retired District Judge and holding a responsible post as a Presiding Officer of a Tribunal. He ought to have prevented all this nay it was his onerous duty.	Page 11, 9 th line from top
6.	The prosecution has documentary evidence about the transfer of the plot in the name of the petitioner. I find that this is a very strong evidence against the petitioner and his father and mother.	Page 11-12, 3 rd line from bottom on page 10
7.	Since this Court finds that there is a prime facie evidence against the petitioner, as discussed above, there is no further need to dwell upon it. It is also seen that the provisions of Section 113-B of the Indian Evidence Act are clearly attracted against all the accused. Hence I find that the petitioner would not be entitled to grant of regular bail.	Page 12, Para 1, 5 th line from top
8.	ii) The trial Court is directed to frame the charge against the accused persons within a month from today and conclude recording of evidence within a period of six months."	Page 12-13, last line on page 12

The trial Court is directed to proceed with the matter, uninfluenced by the observations made by the High Court.

The special leave petition is, accordingly, disposed of.

Special Leave Petition(Criminal) No.3134 of 2017

Heard Mr. Nidhesh Gupta, learned senior counsel appearing on behalf of the petitioner.

We are not inclined to interfere with the order passed by the High Court.

However, the observations, which we have ordered to be deleted from the impugned order in S.L.P.(Crl.) NO...../2017 (Crl.M.P. No.6511/2017) are also directed to be deleted in this special leave petition also.

The trial Court is directed to conduct the trial, uninfluenced by any of the observations made by the High Court in the impugned order.

The special leave petition is, accordingly, disposed of.

[SUKHBIR PAUL KAUR]
A.R. -CUM-P.S.

[MADHU NARULA]
COURT MASTER