



CRA-S-3394-2023 (O&M)

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215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-3394-2023 (O&M)
Date of decision: 24.07.2025

RAJESH KAPIL

...APPELLANT

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Kanwaljeet Singh, Sr. Advocate with
Mr. Veer Imaan Singh Gill, Advocate for the appellant.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
179	18.08.2023	Navi Baradari Jalandhar	306 IPC and 3 of SC/ST Prevention of Atrocities Act

1. The appellant has filed present appeal against order dated 09.10.2023 whereby the regular bail petition filed by the appellant in the FIR mentioned above was dismissed by Special Court.

2. Vide order dated 12.12.2023, the appellant was granted interim bail, the order is continuing till date and in the pendency, there is no allegation that appellant has hampered with the evidence or in any manner, influenced the investigation. He further submits that challan has been filed and charges have been framed.

3. The facts and allegations are being taken from the status report dated 03.12.2023 filed by the State, which reads as follows:

"xxx xxx xxx xxx

That it is respectfully submitted that the brief facts of the matter are that on 18.08.2023, the complainant namely Rahul Gill was recorded; wherein the complainant stated that he run a news channel under the name and style of 'Sanjha Punjab TV' jointly with his elder brother Ravi Gill. About 10- 11 years ago, the elder brother of the complainant namely Ravi Gill got married to Chetna, who has 02 daughters. The above-said Ravi Gill had a relationship with one journalist girl Kirti Gill, who is the owner of 'Kirat Samachar TV Channel' and they were in a relationship for about 5-6 years and Kirti Gill. Because of the above-said relationship of Ravi Gill with Kirti Gill, there were regular disputes in the house and due to which, Kirti



Gill instigated the brother of the complainant namely Ravi Gill to get divorce from above-said Chetna and the above-said Ravi Gill used to give all his earnings to Kirti Gill and Kirti Gill also got her mortgaged house, released with the money given by Ravi Gill to her.

The desires of above-said Kirti Gill escalated day by day. Kirti Gill raised a demand to send her brother namely Shubham Gill abroad to England and Ravi Gill did not accept this demand. Due to which, Kirti Gill, Shubham Gill and Sajjan Narwal alias Gora and Rajesh Kapil, who runs the 'Jai Hind Channel' on social media, started harassing the above-said Ravi Gill, due to which, Ravi Gill remained mentally disturbed.

The complainant further stated that the above-said Ravi Gill apprised to the complainant several times that the complainant further stated that the above-said above-said four persons have been together harassing him. On 18.08.2023, Ravi Gill went from home to work as usual at around 10 AM and the complainant was present at his home around 4 PM, when the complainant got information that Ravi Gill had consumed poisonous substance in Room No.106 at Hotel 'City Hub' located near Shastri Chowk Jalandhar.

The complainant further stated that he took his cousin brother namely Sunny alias Kaka S/o Somnath R/o Company Bagh, Jalandhar and reached at the hotel and they saw the above-said Ravi Gill in semi unconscious state in the Room No. 106, who was holding a copy of document in his hand, who told to the complainant that he had written everything on the said document and Kirti Gill, her brother Shubham Gill, Gora alias Sajjan Narwal and journalist Rajesh Kapil are responsible for his death.

The complainant further stated that he took his brother Ravi Gill to 'Patel Hospital' Jalandhar for treatment along with his cousin brother Sunny alias Kaka in a car, whereupon, the concerned doctor started treating the above-said Ravi Gill, who died after sometime during the treatment. Therefore, the complainant requested to take legal action against the above-said persons."

4. On instructions, Mr. Kanwaljeet Singh, Sr. Advocate for the appellant submits that he would have no objection, if this Court imposes any stringent conditions including surrender of fire arms, if any and would not enter the property of the deceased family. He further undertakes that he shall never mis-treat any member of Schedule Castes and Schedule Tribes Community. The appellant's counsel argued that the custodial investigation would serve no purpose and the pre-trial incarceration would cause an irreversible injustice to the appellant and his family.



5. The State's counsel as well as Counsel for the complainant oppose the bail.
6. There is sufficient prima facie evidence connecting the appellant with the alleged offense; still, it is neither a case for further custodial interrogation nor pre-trial incarceration. After completion of investigation, challan has been presented and charges have been framed.
7. The appellant was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses or hampered the investigation. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the appellant complying with the terms of the bail order dated 12.12.2023 and the following additional conditions.
8. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (CrI.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.
9. Given the background of allegations against the appellant, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the appellant shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of the uploading of this order on the official webpage of this Court and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the appellant shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would in still confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.
10. Given above, appeal allowed. Interim order dated 12.12.2023 is made absolute. All pending applications, if any, stand disposed of.

24.07.2025
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(ANOOP CHITKARA)
JUDGE

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