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CRA-D-9008-2018

Rampal Vs. State of Haryana

Present: Mr. Vinod Ghai, Senior Advocate, with
M/s Arjun Sheoran, Arnav Ghai, Rohan Gupta, Pranhita Singh,
Tejasvi Seeokand, Kashish Sahni & Chand Rathi, Advocates,
for the applicant/appellant.

Mr. Deepak Bhardwaj, Addl. AG, Haryana, and
Ms. Sheenu Sura, DAG, Haryana.

Applicant/appellant namely Rampal seeks suspension of sentence of imprisonment as imposed upon him vide order dated 17.10.2018 pursuant to judgment dated 11.10.2018 passed by learned Additional Sessions Judge, Special Court at Central Jail-I, Hisar for having committed offences punishable under Sections 343, 302 and 120-B of Indian Penal Code. He has been sentenced as under:

Sr. No.	Offence under Section	Rigorous Imprisonment	Fine	In default of payment of fine
1.	343 IPC	RI for 2 years	Rs.5000/-	Further undergo RI for one month
2.	302 IPC	RI for Life, without any remission	Rs.1,00,000/-	Further undergo RI for two years
3.	120-B IPC	RI for Life, without any remission	Rs.1,00,000/-	Further undergo RI for two years

Learned counsel for the applicant/appellant submits that the applicant/appellant has been falsely implicated in the present case and as a matter of fact it is a case of natural death, as is borne out from the medical evidence in respect of all the 5 deceased. It has been submitted that while as

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per the report of Doctors, the deceased had died on account of 'asphyxia', the eye-witnesses, who are closely related to all the deceased excepting the deceased – Raj Bala, being the son, daughter, husband, father and uncle of the deceased, have resiled from their statements and all of them stated that the deceased were in fact already suffering from ailments much prior to the date of their deaths.

The learned counsel submitted that as a matter of fact the deaths occurred when the police admittedly lobbed tear gas shells at the '*dera*' of applicant where a large number of disciples were present, on account of which conditions of suffocation developed leading to a stampede resulting in several persons falling down and ultimately lost their lives. It has further been submitted that there is no evidence to show that the applicant/appellant was in any way responsible for the death of the deceased. It has further been submitted that the applicant/appellant, who is presently aged about 74 years, has already undergone an actual sentence of more than 10 ½ years and since all of his other 13 co-accused have already been released on bail, the applicant/appellant also deserves the same concession on grounds of parity.

On the other hand, learned State counsel submitted that it is a case where the applicant/appellant was virtually trying to keep the women and others as hostage and confined them in a room, wherein condition of suffocation developed, which ultimately led to their deaths. Learned State counsel has filed custody certificate of the applicant/appellant today in Court, as per which the applicant-appellant has undergone an actual

sentence of imprisonment of 10 years, 08 months & 21 days out of the total imposed sentence i.e. rigorous imprisonment for life, without any remission.

We have considered the aforesaid submissions.

Some of the relevant facts pertaining to cause of death of each of the five deceased and testimonies of PWs, as extracted from impugned judgment and which are not disputed by State counsel are stated herein-under in tabulated form:

Name of the deceased	Prosecution witnesses i.e. close relatives, who did not support the case	Cause of death as per PW-45 Dr. Dildar Singh, Prof. & Head, Maharaja Agrasen Medical College, Agroha (Hisar)
Santosh	PW-15 Sandeep (son of the deceased) stated that: <ul style="list-style-type: none">- People were not in congested rooms, but in the Pandal- Died due to tear gas shells PW-16 Pawan (son of deceased) stated that: <ul style="list-style-type: none">- Asphyxia due to tear gas shells, injuries due to throwing of stones from outside by the police	Cause of death is due to asphyxia as a result of traumatic asphyxia to the chest, which is sufficient to cause death in the ordinary course of nature.
Raj Bala		Cause of death is due to asphyxia as a result of traumatic asphyxia to the chest, which is sufficient to cause death in the ordinary course of nature.
Malkit Kaur	PW-12 Jarnail (husband of deceased) stated that: <ul style="list-style-type: none">- Wife died of suffocation due to the tear gas shells thrown by police PW-13 Binder Kaur (daughter of deceased) stated that: <ul style="list-style-type: none">- Mother became unconscious + heart beat increased due to smoke inhalation from the tear gas	Cause of death is not definite, whoever possibility of asphyxia due to suffocation cannot be ruled out.
Adarsh	PW-21 Vipin (father of deceased) stated that: <ul style="list-style-type: none">- Police confined us in Satlok Ashram and started lobbying tear gas shells. The smoke from them engulfed the Ashram and my son suffocated and we could not procure medicines since the police confined us to the Ashram. PW-19 Devender (uncle of deceased) stated that: <ul style="list-style-type: none">- Nephew was ill for the last 5-6 months, medicines got over during the stay within the ashram.	Cause of death is pneumonia (a disease of lungs), which is sufficient to cause death in the ordinary course of nature.
Sarita	PW-14 Shivpal (husband of deceased) stated that: <ul style="list-style-type: none">- Went inside the Ashram due to fear of police- Wife trapped in the chaos- Received injuries from stone pelting by police outside. PW-17 Satyapal (brother-in-law of deceased) stated that: <ul style="list-style-type: none">- Sarita died of suffocation due to tear gas shells thrown by police	Cause of death in this case is raised intracranial pressure leading to brain dysfunction, as a result injury to forehead, which is sufficient to cause death in the ordinary course of nature.

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Having regard to the facts and circumstances of the case, while we find there are specific allegations against the applicant/appellant to the effect that he had kept the women & others captive, but there are certainly some debatable issues particularly regarding cause of death being homicidal or not. Even the eye-witness, who are relatives of the deceased have not supported the case of the prosecution and have rather stated that conditions of suffocation were created due to tear gas shells.

Having regard to the fact that the applicant/appellant as on date is aged about 74 years and has undergone substantial period of sentence i.e. 10 years, 08 months & 21 days, we find it to be a fit case for suspending the sentence of the applicant/appellant during pendency of the main appeal. The instant application, as such, is allowed and it is ordered that the remaining sentence of imprisonment of the applicant/appellant shall remain suspended during pendency of the appeal, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The applicant is however, directed not to promote any kind of “mob mentality” and to avoid participating in congregations where there is any kind of tendency amongst “disciples” or participants to cause breach in peace, law and order.

Needless to mention that in case of violation of condition of bail or in case applicant is found to be indulging in activities having trappings of inciting others to commit any offence, it shall be open to State to take steps for cancellation of bail.

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It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

**(GURVINDER SINGH GILL)
JUDGE**

02.09.2025
Vimal

**(DEEPINDER SINGH NALWA)
JUDGE**