

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M No. 11559 of 2012 (O&M)

Date of Decision: 14.12.2015

Surinder Pal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Mr. Mikhail Kad, AAG, Punjab
for respondent Nos. 1 to 5 alongwith ASI Ashwani Kumar.

Mr. Amrinder Pal Singh Tung, Advocate
for respondent No. 6.

JASWANT SINGH, J. (ORAL)

The complainant/petitioner-Surinder Pal, regarding the death of his nephew Ravideep on the intervening night of 26/27.04.2011, is seeking a direction for registering a criminal case against respondent Nos. 6 to 8 with the allegations that they have hatched a conspiracy and committed the murder of his nephew Ravideep when he was traveling with the Waiter/Servant-Saroop Masih on a motorcycle on the said night after the closure of the business.

It is not in dispute that on account of death of the aforesaid two persons, an FIR No. 41, dated 28.04.2011, under Sections 304-A/279/337/427 was registered at Police Station Dhariwal by the present complainant/petitioner-Surinder Pal himself with the allegations that his nephew Ravideep and Waiter-Saroop Masih have died/suffered injuries in a motor cycle accident with unknown vehicle.

Learned counsel for respondent No. 6 and counsel for the State point out that the allegations of murder were thoroughly inquired

through S.P. (Detective), Pathankot and no truth was found in the application moved by Surinder Pal regarding the occurrence and allegations levelled in the present petition, as is apparent from the Enquiry Report annexed as Annexure R-1/T with the affidavit of Deputy Superintendent of Police, Gurdaspur. It has come on record that nobody including Saroop Masih, who subsequently died on 01.05.2011 while being admitted in the hospital had made such allegations as are being made now.

From the perusal of written statement filed by respondent No. 6 , it is evident that the present petitioner-Surinder Pal himself had filed the claim petition under the Motor Vehicles Act with the allegation that the deceased-Ravideep had died due to motor vehicle accident and has also received a sum of Rs. 10 lacs from the Axix Bank due to the insurance policy regarding the death of Ravideep in a road side accident.

It is also pointed out that in light of the allegations made by the complainant/petitioner at the time of consideration of the challan in the aforesaid offences, the learned Magistrate has already ordered further investigation and the same are pending.

Apart from the above, it is submitted that the complainant/petitioner-Surinder Pal has since died and in spite of availing many opportunities, his legal representatives has not been still impleaded.

In view of the aforesaid circumstances, no further orders are required to be passed in the case.

Accordingly, the present petition stands dismissed.

December 14, 2015

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**(JASWANT SINGH)
JUDGE**