

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-17245 of 2014

Date of Decision: January 19, 2015

Prem Lata

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Rishu Mahajan, Advocate
for the petitioner.

Mr.A.S.Klar, Asstt. Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for directing the respondents No.2 to 4 to register a criminal case against respondents No.5 to 12 and for directing respondents No.2 to 4 to provide protection to the petitioner.

It is mainly stated in the petition that petitioner is an unfortunate mother of young son who had been brutally murdered by respondents No.5 to 12 and the petitioner being an old lady is running from pillar to post in order to get justice. It is further stated that the petitioner approached concerned SHO-respondent No.4 and narrated entire facts and circumstances that how her young boy had been

murdered by the private respondents whereas nothing was heard by the concerned SHO.

Notice of motion was issued and learned State counsel appeared and contested the petition and also filed reply by of affidavit of the Deputy Superintendent of Police, G.R.P Jalandhar.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

In the reply filed by DSP, G.R.P. Jalandhar, it is stated that Smt.Prem Lata got recorded her statement that on 15.04.2014 at 8.00 P.M., her son went from the house with Raju and did not come at night and on the next morning i.e. on 16.04.2014, she was informed that her son Harjit Singh is lying unconscious in a room near water tank. She took him to Mahajan Hospital, Amritsar with the help of Raju aforesaid, where Harjit Singh was declared dead and complainant took him at home. The complainant suspects that Raju, Pawan alias Lalla, Bhuchi, Kali and Mani etc. have murdered her son in connivance with each other. It is also stated in the reply that proceedings were initiated by preparing report under Section 174 Cr.P.C., which was placed on record by ASI Jagdish Singh and SHO has visited the spot and found that there is no injury on the body of the deceased nor any weapon was found at the spot. A secret enquiry was also conducted from the inhabitants of the locality of the deceased and it was found that deceased Harjit Singh was in habit of taking intoxicant substance from 8-10 years. Deceased Harjit Singh, Raju, Pawan alias Lalla were addicted to intoxicant substance and

also inject intoxicants substance upon their body. On 15.04.2014, they injected the intoxicants upon their body in a room near water tank. Raju slept there but deceased Harjit Singh became unconscious due to overdose of intoxicant substance. Raju intimated mother of Harjit Singh and his wife but his mother and wife said he will come after gaining consciousness as he always come to home under these circumstances. It is further stated in the reply that Viscera report from FSL was also received. No poison was detected. It is also stated that as per report of Pathology Department, Medical Officer has opined possibility of death as a result of heart disease.

Keeping in view the facts and circumstances of the present case that there is no injury mark on the body of the deceased nor any poison was found in the Viscera and in view of the pathology report that Harjit Singh may have died with heart disease and there being no eye witness or any evidence to show prima facie the commission of cognizable offence, therefore, in view of the reply, this petition is disposed of without expressing anything on the merits. Otherwise also, the petitioner has alternative remedy as held by the Hon'ble Supreme Court in ***Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392.***

With the above-said observations, the present petition is disposed of in view of the reply filed by the official respondents.

January 19, 2015
Vgulati

(INDERJIT SINGH)
JUDGE