

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

Date of decision:07.09.2015.

Satbir Singh

.....Petitioner

v.

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Karanvir Singh Khehar,Advocate for the petitioner

Jaswant Singh,J.(Oral)

Petitioner is complainant in FIR No.187 of 2011 under Sections 338, 304-A IPC, registered at PS Manesar,Gurgaon. He is seeking directions to respondents-police authorities to act and proceed in accordance with law against the accused whose complicity in the commission of crime is alleged to have been prima facie established.

Briefly noticed, on the statement of the petitioner aforesaid FIR was registered with regard to death of his son Deshraj who was working on D.C. rate with a Contractor engaged by DHBVNL,Gurgaon. On 29.6.2011 deceased Deshraj and Hari Singh were performing their duty on a power line carrying 11000 volts when all of a sudden current was released in the said line injuring both Deshraj and Hari Singh. In this accident,deceased Deshraj succumbed to his injuries in hospital and hence the FIR. Police after

investigations presented challan with regard to said accident against one Babu Lal, Assistant Lineman as it was alleged in the FIR that Babu Lal, ALM was required to carry out the work but he made deceased Deshraj etc. to perform the duty in his place. After trial said Babu Lal, ALM was acquitted by learned JMFC, Gurgaon vide judgment dated 19.3.2014 against which judgment appeal is pending. After acquittal of said Babu Lal, ALM, petitioner made a complaint dated 15.1.2015 to Commissioner of Police, Gurgaon (respondent no.2) for re-investigation on the ground that for the said accident, which claimed life of his son, Gopi Ram Foreman, Chand Ram and Hari Singh Lineman alongwith Babu Lal were also responsible but investigations were not conducted properly. The said complaint was investigated by Assistant Commissioner of Police, Manesar (respondent no.3), who vide his report dated 28.1.2015 (P-2) reported that from examination of the police file, no irregularity was found to have been committed by the Investigating Officer in conducting the investigations. Thereafter, petitioner again made another complaint dated 14.1.2015 (P-3) to respondent no.2 for reinvestigation. This complaint too was investigated by Assistant Commissioner of Police, Manesar who found that investigations in the FIR seem to have been conducted as per rules. On both these reports, respondent no.2 passed order "Seen & File".

It is in these circumstances that a prayer has been made to direct the police authorities to initiate proceedings against the remaining accused.

After hearing the learned counsel, in my opinion, no case for issuing any such direction is made out.

The appropriate stage for summoning the alleged co-accused was at the time of presentation of challan, framing of charge and even during trial to summon them as additional accused. However, petitioner chose not to take such steps and after conclusion of the trial, wherein the sole accused has been acquitted, prayer for such a direction at this stage is highly belated and hence cannot be acceded to.

In view of the above, finding no merit in this petition the same is hereby dismissed.

07.09.2015.
joshi

(Jaswant Singh)
Judge