

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-36978 of 2011

Date of decision : May 18, 2015

Balbir Singh Saini

....Petitioner

versus

State of Haryana and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Kanwar Sanjiv Kumar, Advocate, for the petitioner
Mr. Munish Sharma, AAG Haryana
Mr. Krishan M. Vohra, Advocate for
Mr. Sumeet Goel, Advocate, for respondent no.6-CBI
Mr. GP Singh, Advocate, for respondent nos. 7 to 12

Fateh Deep Singh, J. (Oral)

Petitioner Balbir Singh Saini had earlier moved this Court by way of petition under section 482 of the Code of Criminal Procedure seeking appropriate directions for registration of the FIR on the basis of his complaint Annexure P/1 against private respondents no. 7 to 12 and for entrusting inquiry/investigation to some independent agency. The grouse of the petitioner stems from the allegations that he was resident of village Tholla Fatehpur, District Saharanpur, U.P. and that his son Avneesh Kumar

Saini (now deceased) aged around 22 years was residing with his relations in village Potli District Yamuna Nagar as he was pursuing his B.Tech (I.T.) from Global Engineering College, Nachron. It is contended that it was on 19.10.2011, he was telephonically informed about the missing of his son and subsequently the dead body of Avneesh Kumar was discovered near the bridge of West Yamuna Canal in Yamuna Nagar. It is the claim of the petitioner that respondents no. 7 and 8 had earlier called the deceased on 19.10.2011 around 9.00 AM to come to designated place which he refused and thereafter they contacted him on landline phone but the deceased refused and thereafter they came to his residence and took away the deceased and subsequently the dead body was discovered and hence the prayer in question.

It is during the course of proceedings, this Court vide orders dated 19.2.2013 had issued interim directions to the Director General of Police, Haryana to constitute a Special Investigation Team to enquire/investigate the matter to determine the truth regarding this unnatural death of the deceased and it was further directed that SIT would be headed by a police officer not below the rank of Superintendent of Police and another Officer of the rank of DSP. It is in the light of these directions, report by SIT Annexure R/1 was submitted whereby Special Investigation Team headed by Senior Superintendent of Police, CID, Headquarters after

recording statements of the witnesses, holding polygraph test on the suspects Annexure B, spot inspection report Annexure A, after adopting due process of law and considering the other vital documents including post mortem report Annexure R10, have come to the conclusion that the cause of death of the deceased in this case was due to drowning. The SIT did not come across any incriminating evidence against the private respondents. Thus, from this report submitted by Senior Police functionaries specially constituted on the directions of this Court coupled with the medical evidence which mutually corroborate each other apparently prima facie nothing suspicious has come to light for this Court to further act into the matter. All these facts collectively leaves no scope to doubt that nothing survives in this petition for this Court to issue any further directions in terms of section 482 Cr.P.C. and this petition being meritless needs to be dismissed and stands dismissed.

However, if the petitioner still feels there is no redressal of his grievance, he is well within his rights to invoke the jurisdiction of the Courts in terms of section 156(3) read with section 190 of the Criminal Procedure Code.

May 18, 2015
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(Fateh Deep Singh)
Judge