

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

Date of decision:04.09.2015.

Om Parkash

.....Petitioner

v.

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr. Mr.RN Lohan,Advocate for the petitioner
Mr.MS Sidhu,Addl.AG Haryana for respondents

Jaswant Singh,J.(Oral)

Prayer in the instant petition under Section 482 Cr.PC is for handing over the investigation in case FIR No.167 dated 18.7.2013 under Section 302/34 IPC and Section 25 of the Arms Act,PS Julana,Distt.Jind to CBI or fair and impartial investigation by some senior police officer.

It is alleged that Anil, brother of the petitioner was shot dead by accused persons named in the FIR and till date neither any progress has been made nor accused persons have been arrested.

Upon notice, two separate replies have been filed; one by DSP Headquarter Jind and the other by Dr.AS Grewal,Sr.Scientific Officer (Ballistics), FSL Madhuban.

Heard learned counsel for the parties.

Before advertng to the replies filed, it would be pertinent

to mention here that prior to this petition, petitioner had filed CRM-M 28454/2013 with a similar prayer to handover investigation to CBI and a Co-ordinate Bench of this Court vide order dated 29.8.2013 had directed Inspector General of Police, Hisar Range to decide the representation dated 1.8.2013 submitted by the petitioner and, if need be, to take appropriate action in accordance with law.

The Inspector General of police, Hisar Range in compliance of the said order had transferred the investigation of the case from local police to Special Task Force Range Office, Hisar and thereafter the investigation was carried out by SI Sunil Kumar of STF Range Office, Hisar from 10.8.2013 onwards.

In the reply now filed by DSP Headquarter, Jind, it has been stated that after registration of FIR, investigations were carried out and it was found that on 17.7.2013 a marriage party was going on in Village Shadipura where accused persons alongwith Anil-deceased brother of the petitioner was also present and were consuming drinks. In the said ongoing party one Manoj s/o Deep Chand resident of Village Hathwala came there while holding a helmet in his hand. After placing the helmet on the almirah when said Manoj turned in hurry then the revolver placed in a show case fell down and gun shot was fired which hit the deceased Anil @ Dhilla. Thereafter said Manoj, Sonu and Rambir took Anil @ Dhilla to PGIMS Rohtak but Anil succumbed to said gun shot injury.

It is further stated that during the course of investigation

scene of crime was created by Investigating Team with the assistance of Dr.AS Grewal,SSO(Ballistics) and Smt.Saroj,SA(SOC) and as per report dated 12.8.2013 of Dr.AS Grewal,Senior Scientific Officer (Ballistics)FSL,Madhuban on the basis of reconstruction of scene of crime the story put forth by the accused was found to be true and in the opinion of Ballistic Expert it could be a case of accidental firing/snafu.

Besides recreating scene of crime, polygraph tests were also conducted on the accused and analysis and evaluation of the polygrams did not reveal deceptive response by accused persons i.e.Rambir,Manoj,Sonu,Krishan Kumar and Naresh. The results of polygraph tests have also been placed on record alongwith reply.

In his reply by way of affidavit, Dr.AS Grewal,Sr.Scientific Officer(Ballistics)FSL Madhuban has stated that an experiment was conducted by him at the spot during the reconstruction of scene of crime by falling down the loaded revolver and out of fifteen times the revolver got fired three times. It is further stated that when the experiment was repeated by a group of Experts by using a loaded revolver by dropping it down five times in hammer end position from a height of 2 feet to 3.6 feet on hard surface, it fired every time. It is further stated by Sh.Grewal in his affidavit that the said .32” revolver can fire in both i.e. 'safety on' and 'safety off' position when it falls down with hammer end position and strikes hard surface.

After going through the aforesaid replies, polygraph test reports and the opinion rendered by the Ballistic Expert, in my

considered opinion, no further directions are required either to transfer the case to CBI or to hand over investigations to an officer of the rank of IPS.

Dismissed.

04.09.2015.
joshi

(Jaswant Singh)
Judge