

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

**CRM-M-43489 of 2014
Date of Decision: 12.3.2015**

Chawli Devi

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Loveleen Dhaliwal, Advocate for
Mr. K.S.Dhaliwal, Advocate
for the petitioner.

Mr. M.K.Sangwan, DAG, Haryana.

RAMESHWAR SINGH MALIK J. (ORAL)

Reply by way of affidavit dated 12.3.2015 of the Deputy Superintendent of Police, Ellenabad on behalf of respondents No. 1 to 3, filed in the Court today, is taken on record and copy thereof has been supplied to the learned counsel for the petitioner.

Learned counsel for the State, on instructions from SI Sita Ram, Police Station Ellenabad, submits that in compliance of the order dated 29.7.2013 passed in CRM-M-No. 24264 of 2013 filed by the petitioner, a Special Investigating Team ('SIT' for short), was constituted, headed by an officer of the rank of Additional

Superintendent of Police. Thereafter, SIT conducted the investigation under the supervision of the Superintendent of Police, Sirsa. He further submits that final report under Section 173 Cr.P.C, shall be filed before the court of competent jurisdiction within a period of six weeks from today and the petitioner shall have right to file protest petition. He prays for disposal of the writ petition.

On the other hand, learned counsel for the petitioner submits that petitioner is not satisfied with the investigation conducted by the SIT. She further submits that call details of the mobile of the deceased were not taken into consideration by the SIT. She also submits that a fresh investigation may be ordered to be conducted by some independent agency.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that no further orders are called for.

A careful perusal of the averments taken in para 3 and 4 of the affidavit filed today would show that call details of the mobile numbers have been obtained through Cyber Cell. Assistance of the scene of Crime Team was also taken. Regarding call details, help of the Cyber Cell was taken. Every person from whom some clue was expected was joined in the investigation. The averments taken in para 2 and 3 in this regard, read as under:-

“That investigation into the case FIR No. 65 dated 3.5.2011 (Annexure P-1) was conducted by the local police. Site plan was prepared after

spot inspection. A large number of persons joined the investigation. Call details of cell phone numbers 90508-56410, 98965-43443, 99968-25500, 90500-87454, 94668-20493 and 94664-40173 was obtained through Cyber Cell. Assistance of the Scene of Crime Team was also taken. Regarding the call details help of the Cyber Cell was taken. Every person from whom some clue was expected was joined in the investigation. Earnest efforts were made to trace out the culprits. The case was also investigated by DSP, Ellenabad Ravinder Kumar. Ultimately, an untraced report dated 29.9.2012 was prepared/written by the Investigating Officer.

That Criminal Miscellaneous No. M-24264 of 2013 was filed by the present petitioner Chawli Devi in the month of July 2013 which was disposed of by this Hon'ble High Court vide order dated 29.7.2013 with a direction to the Superintendent of Police Sirsa to hear the petitioner and to get the matter investigated through an office of the rank of Additional Superintendent of Police. In compliance of the orders of this Hon'ble Court a Special Investigating Team was constituted by the Superintendent of Police, Sirsa, vide order No. 743-R/SP dated 28.9.2013 under the headship of

Rajender Kumar Meena, IPS, the then Assistant Superintendent of Police, Sirsa and Inspector Hans Raj, D.I. Sirsa for re-investigation of the aforesaid case. The SIT conducted the investigation in this case under the supervision of the Superintendent of Police, Sirsa. All the persons linked with the deceased were joined in the investigation. Mahender Singh, brother of the deceased and suspect Bhajan Lal son of Sultan Singh resident of Dhani Issar were also joined the investigation. The call details of suspect Bhajan Lal, Kailash Rani wife of the deceased, one Jamla Ram alias Harish son of Kalu Ram Bajigar of village Hanranwa were taken and studied. Despite a deep and lengthy investigation, no clue of the culprit (s) has come to light. An untraced report dated 29.9.2012 has already been written in this case. So the investigation of the case has been again closed. However, in future if any clue regarding the commission of aforesaid crime comes to the surface, investigation of the case will be restarted and necessary action will be taken. Present petition being devoid of any merit is liable to be dismissed.”

In view of what has been discussed hereinabove, present petition is disposed of with a direction to respondent No.2 to ensure

filing of final report under Section 173 Cr.P.C. before the court of competent jurisdiction, at an early date and in any case within a period of six weeks from today. Thereafter, the petitioner shall be at liberty to file her protest petition and the learned court of competent jurisdiction shall pass an appropriate order, strictly in accordance with law.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

12.3.2015
Ak Sharma