

CRM-M-9258-2013

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In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:20.08.2015

Hardev Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. R.P.S. Sidhu, AAG, Punjab.

Mr. Bipan ghar, Sr. Advocate with
Mr. Shiv Charan Bltola, Advocate,
for respondent No.4 and 5.

SABINA, J.

Petitioner has filed this petition under Section 482 of Code of Criminal Procedure, 1973 for entrusting the investigation of the FIR No.119 dated 13.10.2012 under Section 302 and 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Machhiwara to Special Investigation Team of the Crime Branch.

Prosecution story, in brief, is that on 02.06.2012, Gurjit Singh son of the petitioner alongwith his friends Moni and Deep were present at Machhiwara. Gurjit Singh received a phone call from Taranjit Singh, asking him (Gurjit Singh) to accompany them. After about 20-25 minutes, Taranjit Singh

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and Amanpreet Singh took him (Gurjit Singh) in a Bolero Car. When Gurjit Singh did not return home nor he answered the mobile-phone, petitioner started searching for his son. Taranjit Singh and Amanpreet Singh told the petitioner that they had left Gurjit Singh at their (petitioner) motor. On the next day, petitioner found the dead body of his son lying at his motor with injury marks. FIR was got registered at the instance of the petitioner on the allegations that he suspected that his son has been murdered by his friends at some unknown place and, thereafter, the dead body has been left at his (petitioner) motor.

Learned counsel for the petitioner has submitted that in the present case, the investigating agency had been helping the accused party from the very beginning. The investigation had not been conducted in a fair and proper manner.

Learned State counsel, on the other hand, has submitted that after thorough investigation of the case, cancellation report has been prepared and the same will be submitted in the Court, within one month from today. Learned State counsel has further submitted that the matter was duly enquired into by the Special Investigation Team and it has transpired that the son of the petitioner had died due to overdose of drugs and not because of electric current.

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Learned Senior counsel on behalf of respondents No.4 and 5 has submitted that the said respondents had duly participated in the Polygraph Test and they were found innocent.

The Board of Doctors Government Medical College and Rajendra Hospital, Patiala had conducted the post-mortem examination and had observed as under:

- “i) There is no conclusive finding suggestive of the injuries (1 to 4) being due to electrical burns. Bleeding from nostrils and blood stained clothes are unlikely in electrocution. No singed hair does not suggest electrical burns.
- ii) Injury 2 and 3 as per PMR description is likely an early decomposition change (literature shows that decomposition can mimic burns)
- (iii) Findings of cerebral edema and pulmonary edema as described in PMR may be seen in disease, inarcotic overdose, drowning etc.
- (iv) The intactness of clothes is unlikely in high voltage electrocution injuries High voltage electrical current cause deed burns and not superficial burns.

Opinion: In view of the above, the possibility of the cause of death

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being other than electrocution
cannot be ruled out.”

Thereafter, the case was referred to PGI,
Chandigarh and following opinion was given by the Board of
Doctors:-

“Considering the PMR Report
No.TJS/CHS/2012 /06 dated 3.6.12,
Chemical Examiner Report No.2033
dated 18.7.2012, subsequent opinion of
Board of Doctors vide no.1312 dated
16.8.13 and Opinion from Rajendra
Hospital, Patiala vide
No.FMD/501/7.11.13, “no definite
opinion can be given in this, case as the
issues are more of investigative in nature
rather than medical opinion”. As per
PMR Report No.TJS/CHS/2012/06 dated
3.6.12 the deceased had only electrical
burn injuries present on his body. But
due to non-descriptive methodology in
describing electrical burn injury by the
Board of Doctors, Samarala, it is too
difficult for any other medical specialist
to give opinion on these aspects, that too
in the absence of photographs of injuries
or crime scene photographs & Report.
(Mo Photographs or crime scene report-
made available.”

Special Investigation Team also investigated the
matter and the operative part of the status report dated

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20.02.2015, reads as under:-

“That it is respectfully submitted that the SIT headed by the answering respondent has made the detailed and thorough investigation in the matter. As far as both the suspected persons are concerned, they have been proved to be innocent from the investigation carried out. Their innocence further gets strengthened from the report of their Lie detection test. The deceased has been proved to have died due to overdose of the drugs and not because of the electric current. Thus, the present petition filed by the petitioner may kindly be disposed of. The answering respondent undertakes to comply with the order or direction which this Hon'ble Court would pass, in the facts and circumstances of the present case.”

Thus, in the present case, the matter has been duly investigated by the Special Investigation Team and now cancellation report has been prepared. Learned State counsel has submitted that cancellation report will be submitted in

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the Court within one month from today.

In view of the above facts, no further interference by this Court is called for. Petitioner would be at liberty to challenge the cancellation report submitted by the prosecution by filing a protest petition, if so advised.

Petition stands disposed of accordingly.

August 20, 2015
kapil

(SABINA)
JUDGE