

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11004 of 2012
Date of Decision.10.02.2015

2. CRM No.M-21667 of 2012

Rampal Singh Tomar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

Present: Mr. Keshav Partap Singh, Advocate
for the petitioner in CWP No.11004 of 2012.

Mr. Jagmohan S. Ghuman, Advocate
amicus curiae in CRM No.M-21667 of 2012.

Mr. Keshav Gupta, AAG, Haryana.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J.

1. Both the writ petition and the criminal misc. petition are connected, the former filed by the petitioner in the registry and the latter is taken up by the Court on its own motion on the complaint made by the petitioner to the Hon'ble Chief Justice. This case was heard and after the case was reserved for judgment, reopened suo motu on 06.01.2015 to apprise the Court of the action taken by the petitioner when a cancellation report was reported to have been filed before the Magistrate on 26.11.2014. The complaint in the FIR was that the death of the petitioner's son was not suicide in the manner attempted to be portrayed by the police in investigation but was an act of homicide

brought about by the superior official of the petitioner's son who was working in the Forest Department. The petitioner's apprehension was that the suicide note said to have been recovered was not really in the handwriting of the petitioner's son. The petitioner's son had actually sent a SMS message that his superior officer was attempting to frame him falsely in a criminal case. The petitioner's son had his own family problems and he was not living with his wife and family but was living in the company of some lady, who, the petitioner would believe, had also a suspicious role in the petitioner's son's death.

2. The cancellation report said to have been filed before the Magistrate, according to the petitioner, reveals that the involvement of high ranking officials working in the Forest Department where the petitioner's son was working would derail the course of justice and not really bring the true facts to come to surface. Under the normal circumstances, I would have allowed for the petitioner to file a protest petition before the Magistrate and secure fresh directions for an appropriate enquiry with the leads provided by the petitioner but I see some merit in the contention made that the petitioner's suspicion was the involvement of the petitioner's son's superior officials and a lady by name Parmila daughter of Jitender Malik. To do full justice, I would direct the 2nd respondent, Director General of Police to constitute a Special Investigating Team with an officer of the rank of Deputy Superintendent of Police and two other police officials to assist him to carry out the investigation on the complaint already registered in FIR No.667 dated 28.12.2009 at the Police Station, Jhajjar, District Jhajjar.

The entire investigation file is ordered to be transferred to the team

constituted by the 2nd respondent who will carry out the investigation on the basis of materials already collected and on any information furnished by the petitioner.

3. The Investigating Team will have the full powers to carry out the directions of the 2nd respondent and submit the report before the Jurisdictional Magistrate as expeditiously as possible and preferably within a period of six months. The Magistrate shall not accept the cancellation report given by the police and shall take action on the report directed to be filed as per the orders of this Court.

4. The writ petition and the Crl. Misc. petition are disposed of with the above directions.

(K. KANNAN)
JUDGE

February 10, 2015
Pankaj*