

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

CWP No.1724 of 2015

Date of Decision.10.02.2015

Lehna Singh and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

Present: Mr. HPS Ghuman, Advocate
for the petitioners.

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. (ORAL)

1. The writ petition is for direction to entrust the investigation in FIR No.155 dated 13.07.2013 to the Central Bureau of Investigation as according to the petitioner, the Superintendent of Police, Panipat and the SHO, Israna who are arrayed as respondent Nos.2 and 3 are not properly investigating the matter relating to the case of death of the petitioner's son Naresh. It was a case of a body being found on the road unattended on 12.07.2013 near the bridge of Sivaha Road. The motor cycle in which the petitioner's son was said to be travelling had been found abandoned in the middle of the road. The body was picked up with nose bleeding and when the body was lifted it was seen that his back had been broken. There were alleged signs of knife injuries on the body. The petitioner's apprehension is that although a case for commission under Section 302 IPC was recorded, the investigation did not proceed properly. The post-mortem carried out on the body had registered four injuries on various parts of the body and the petitioner's concern is that the SHO had clearly declared that he was

not going to investigate the case properly and he was likely to return a report to the Magistrate of an accidental death for offence under Section 304A IPC.

2. I do not find any scope for referring the matter to the CBI for investigation in the light of law laid down by the Supreme Court in *State of West Bengal Vs. Committee of Protection of Democratic Rights, West Bengal (2010) 3 SCC 571*. Though a case of death is surely a matter of great misery for the parents, it has no serious inter-State ramifications or matter of great public interest that would require a CBI investigation to be done. If the report were to be given before the Magistrate commuting a charge to a lesser offence under Section 304A IPC that would result in committal of the case to Sessions Court as unnecessary, it will always be possible for the petitioner to file a protest petition and seek for investigation in the manner Section 208 Cr.P.C provides and for fresh investigation that is contemplated under Section 173 Cr.P.C. The Court that has the power to commit it for Sessions Court under Section 209 Cr.P.C is still competent to require further investigation to be made and proper enquiry to be conducted. The petitioner shall approach the jurisdictional Magistrate with an appropriate application if the report to the police is submitted under Section 173 Cr.P.C for altering the charge to a lesser offence. The petitioner may also furnish appropriate details before the jurisdictional Magistrate and ensure that the investigation is put on an appropriate level of competence and alacrity.

3. With these observations, the writ petition is disposed of.

(K. KANNAN)
JUDGE

February 10, 2015

Pankaj*