

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

LPA No. 764 of 2015

DATE OF DECISION : 18.05.2015

Hawa Singh

.... APPELLANT

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. N.R. Dahiya, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J.

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated April 07, 2015, passed by the learned Single Judge, whereby petition under Section 482 Cr.P.C. (Crl. Misc. No. M-8925 of 2014) filed by the appellant seeking a direction for re-investigation of case FIR No. 99 dated July 22, 2010, registered at Police Station Mohana, District Sonapat under Section 302 read with Section 34 IPC, by an independent agency, has been disposed of while holding that in view of the conclusion of trial of the said case, no further investigation of the matter is necessary.

In our opinion, against the aforesaid order, no appeal under Clause X of the Letters Patent is maintainable. Learned counsel for the

appellant could not cite any provision or judgment to show about the maintainability of the appeal.

Even otherwise, we are of the opinion that in the facts and circumstances of the case, the learned Single Judge has rightly dismissed the petition filed by the appellant under Section 482 Cr.P.C., seeking a direction for re-investigation of the FIR registered at Police Station Mohana, District Sonapat, with regard to murder of the son of the appellant. The FIR was registered by the police on the written complaint made by the appellant, on the next day of the occurrence, after seeing the dead body of his deceased son. He was not an eye witness. In the said complaint, the appellant suspected that Parveen and Anil along with another person, to whom he could not identify due to darkness, had murdered his son. Ultimately, the police filed challan against accused Parveen and Anil. During trial, one more accused, namely Sonu, was also summoned to face trial. Ultimately, the trial court convicted accused Parveen and Anil for committing the murder of the son of the appellant and they were sentenced to undergo imprisonment for life. However, additional accused Sonu was acquitted of the charges. Against their conviction and sentence, accused Parveen and Anil filed appeal. The appellant has also filed appeal challenging the acquittal of additional accused Sonu. Both the appeals are pending. Keeping in view these facts and circumstances, the learned Single Judge dismissed the petition filed by the appellant seeking re-investigation of the case, at this

stage. The appellant is seeking re-investigation of the case on the ground that two more accused were named in the extra-judicial confession made by accused Parveen before the Panchayat, but no step was taken by the police against those persons. However, it has not been disputed during the course of arguments that at no stage, either the appellant or any other person disclosed the names of those two persons. Undisputedly, during the trial, no application was moved by the appellant for summoning those persons as additional accused. Their names have also not been disclosed. Even till date, the appellant is not in a position to name those two persons, who were alleged to be involved in the crime. In our opinion, in these facts, there is no material available on record, on the basis of which re-investigation of the case can be ordered.

In view of the above, we do not find any ground to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

May 18, 2015
ndj

**(HARINDER SINGH SIDHU)
JUDGE**