

CRM NO.M-10988 of 2016

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.235

CRM NO.M-10988 of 2016
DECIDED ON: May 23, 2016

JAI KISHAN

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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?

Present: Mr. Ajay Shekhawat, Advocate,
for the petitioner.

Mr. S.S. Pannu, Deputy Advocate General, Haryana,
for respondents No.1 to 3.

JASPAL SINGH, J. (ORAL)

This is a petition preferred under Section 482 Cr.P.C. seeking issuance of direction to respondents No.1 to 3 for conducting a fair and impartial inquiry in FIR No. 131, dated December 01, 2015, under Sections 306 & 34 IPC, registered at Police Station Panipat, District GRP Ambala Cantt. by Central Bureau of Investigation or to the Crime Branch or to any other independent agency.

Pursuant to notice of motion, reply has been filed by learned

CRM NO.M-10988 of 2016

[2]

State counsel on behalf of respondents No.1 to 3, which is taken on record.

The preliminary submissions made in paras 2 & 3 of the reply submitted by learned State counsel on behalf of respondents No.1 to 3 are relevant for the disposal of instant petition, which reads as under:-

“2. That the brief facts of the case are that on 30.11.2015 at 11:50 PM, a memo was received from Station Superintendent, Railway Station, Samalakha regarding the death of a person at KM No. 68/27-29 situated between Railway Station Samalakha-Bhordhwal Majri. Proceeding under section 174 Cr.P.C. was initiated by SI Tara Chand and the deceased was identified to be Parmod S/o Jai Kishan (petitioner). The complainant Manjeet Singh S/o Jai Kishan, moved a complaint wherein he stated that Banarasi, Vishnu, Ram Niwas and Pardeep had beaten up deceased Parmod on 30.11.2015. They also inflicted injuries to Kanta Devi, mother of deceased Parmod. The above accused also abused the deceased and Kanta Devi. On the complaint of Manjeet Singh, a case FIR No. 131, dated 01.12.2015 U/s 306/34 IPC was registered against all the above accused persons in PS GRP Panipat. The spot was got inspected by scene of crime team on 01.12.2015. The post-mortem of the dead body was got done from PGIMS Rohtak. The doctor opined regarding the cause of death as under:-

“The opinion as to cause of death in this case is multiple injuries described which are ante-mortem in nature and could be sustained in a manner as suggested by the police. However, available viscera have been preserved for chemical analysis.”

3. During the course of investigation of the case, the statement of Subhash Chand (uncle of deceased), Rohtash (uncle of deceased) U/s 161 Cr.P.C. was recorded. They stated in their statement that on 30.11.2015, at about 9:00 PM, 4-5 boys had beaten up the deceased Parmod. Rohtash

CRM NO.M-10988 of 2016

[3]

stated that the boys were beating Parmod while running on the road, he chased them but could not get his nephew escaped. He only identified accused Banarasi, Vishnu and Ram Niwas. He also stated that Parmod committed suicide on account of beaten him up by the accused persons. Accused pardeep was not found to be present on the spot and he was on his job i.e. Cylinder Factory, Village Namunda. Accused Banarasi, Vishnu and Ram Niwas were arrested in the case on 06.4.2016 on the basis of incriminating evidence came on record during the investigation of the case. After completion of investigation of the case, the challan was presented in the court and now the same is pending for 13.07.2016 for Pws. Hence, the present petition is liable to be dismissed.”

A perusal of the aforesaid paragraphs transpires that after completion of the investigation, challan has already been presented in the Court of Illaqa Magistrate on April 22, 2016 against accused Banarsi S/o Amar Singh, Vishnu S/o Banarsi and Ram Niwas S/o Karan Singh to face trial under Section 306 of Indian Penal Code. After framing of charge, now case is listed for July 13, 2016 for evidence of the prosecution.

In view of facts narrated above, instant petition has rendered infructuous and is disposed of as such. However, if the petitioner still feels unsatisfied, he can have recourse to other remedies available to him under law.

May 23, 2016
Ankur

(JASPAL SINGH)
JUDGE