

CRM NO. M-10488 OF 2015

[1]

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.233

CRM NO. M-10488 OF 2015
DECIDED ON: May 17, 2016

RAGHU NATH

..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. D.S. Malik, Advocate,
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

JASPAL SINGH, J

Instant petition has been preferred under Section 482 Cr.P.C. by Raghu Nath seeking issuance of direction to respondents No. 2 to 5 to arrest accused persons mentioned in FIR No. 73, dated May 05, 2014, under Sections 302 & 34 IPC, registered at Police Station Ishrana, District Panipat or to issue direction to transfer the case for further investigation to some other independent agency.

In pursuant to notice of motion, reply has already been filed by learned State counsel.

The preliminary submissions made in paras 7 to 12 of the reply submitted by learned State counsel on behalf of respondents No.1 to 5 are relevant for the disposal of instant petition, which reads as under:-

*“7. That the investigation of the case was got conducted by Jagdeep Singh Inspector CIA-I, Panipat, who sent ASI Raj pal to PGIMS Rohtak. ASI Rajpal visited PGIMS Rohtak and obtained the opinion of the Doctor regarding the cause of death of deceased Bhupinder. The Board of Doctors as per Post mortem of deceased Bhupinder as well as per the report of Chemical Analysis of Viscera and FSL report of Diatom Test gave opinion that “cause of death in this case is drowning. However deceased had consumed alcohol before his death”. Then Inspector Jagdeep got awarded the S.P.Panipat regarding the above said reports and S.P.Panipat ordered on 4.8.2014 for conducting the polygraph test of Sunil and Pawan. Then SI Bijender moved an application before the Illaka Magistrate Panipat on 7.8.2014 for granting permission for the polygraph test of Pawan and Sunil. On 5.9.2014 the polygraph test of Pawan and Sunil was got conducted from Madhuban FSL by Prem Singh S.I. CIA-I, Panipat, which is annexed as **Annexure R-1**.*

8. That on 19.9.2014 S.I. Prem Singh obtained the report of Polygraph test and shown to S.P.Panipat, on finding the report suspectful, the S.P. Panipat again ordered to conduct the poly graph test again of Pawan, Sunil and Ishwar. The permission was obtained from Illaka Magistrate Panipat for the same on 7.10.2014. On 28.10.2014, the FSL Madhuban fixed the date for 7.1.2015 for conducting the polygraph test of Pawan, Sunil and Ishwar. On 7.1.2015 the polygraph test of Pawan, Sunil and Ishwar was conducted. The report of polygraph test

*was received on 14.1.2015 by ASI Suresh Kumar CIA-I, Panipat, which is annexed as **Annexure R-2**, along with the report of scene of crime.*

9. *That Inspector Sandeep Incharge CIA-I Panipat on the basis of report of Scene of crime, report of Post mortem, report of Polygraph test and the deeply enquiry conducted from the suspected persons, gave its opinion on 15.1.2015 that the arrest of suspected persons is not justifiable.*

10. *That on 5.3.2015 Surender Singh Dy. Superintendent of Police (HQ) Panipat gave direction to make enquiry again deeply on some points. On 10.3.2015 the enquiry was handed over to ASI Suresh Kumar CIA-I Panipat. ASI Suresh Kumar conducted enquiry on 20.03.2015 from the local persons as well as the suspected persons.*

11. *That on 16.4.2015 Inspector Sandeep Kumar CIA-I Panipat again gave his investigation report that as per the investigation conducted till as well as the reports i.e. Scene of crime, report of Post mortem, report of Polygraph test and the deeply enquiry conducted from the suspected persons, no offence is proved against the suspected persons and their arrest is not justifiable. The said file was sent to SHO P.S. Israna for further proceedings after discussing the matter deeply with the higher police officers.*

12. *That thereafter Bijender Singh S.I./SHO P.S. Israna on the basis of above proceedings found that the cause of death of deceased Bhupinder singh is due to drowning as he had consumed alcohol before his death and no truth was found in the case and the police cancelled the FIR no.73 and submitted his cancellation report dated 17.4.2015.”*

According to which, the matter has been thoroughly investigated and cancellation report has been filed in the Court of

Jurisdictional Magistrate who is seisin of the matter. Not only this, even a Protest Petition No.02/2016 on April 04, 2016 has already been filed by the petitioner, which is listed before the learned Magistrate for June 02, 2016 for preliminary evidence of the complainant.

In view of the above, instant petition has rendered infructuous and same is disposed of as such.

May 17, 2016

Ankur

**(JASPAL SINGH)
JUDGE**