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

CRM-M-13136 of 2016

Date of decision: September 23, 2016

Gurbachan Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. S.S. Sahu, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In response to the notice of motion issued by this Court on 24.05.2016, reply by way of affidavit of Assistant Superintendent of Police (HQ), Fatehabad has been filed by the State. Following portion of the same reads as under:-

“xxxx. After investigation, it was found that it was a Motor Vehicle Accident case by some unknown vehicle and driver. The name of vehicle and driver were not traced out. On 14.08.2014, SHO P.S. Ratia prepared the untrace report, meanwhile, petitioner party moved a complaint to I.G. Hisar in which he requested that investigation in this case be conducted by some higher police officer. On this, investigation of this case was handed over to S.P. Bhiwani and he got investigated the case from DSP Siwani. He recorded the statement of witnesses and suspicious persons and after that Superintendent of Police, Fatehabad ordered

to the SHO P.S. Ratia for taking necessary action.

5. That on 05.11.2014, SHO P.S. Ratia recorded the statement of the witnesses and suspicious persons and profoundly interrogated them. In his investigation, Sukhdev Singh, Gurdev Singh and Harpreet Singh @ Happy Photographer were found innocent and they were not present at the spot.

6. That allegation made by the petitioner again above said suspicious were found baseless. Upon this, on 14.08.2014, untrace report again prepared in this case and on 19.03.2015, same was sent to the Deputy Superintendent of Police, Fatehabad for further necessary action. Upon which Superintendent of Police, Fatehabad directed the Deputy Superintendent of Police, Fatehabad and SHO PS Ratia to prepare the untrace report. During investigation, it was found that the accident took place in this case unexpectedly (by-chance). Allegation of murder of deceased Vikramjeet Singh and Partap Singh was found false and baseless against respondent Sukhdev Singh, Gurdev Singh and Happy photographer. A report was prepared in this regard.

7. That the petitioner has also earlier filed petition No. CRM-M-23965 of 2015 under Section 482 Cr. P.C. for the direction to respondent No.1 to hand over the investigation of the present case to CBI or independent agency. In which Hon'ble High Court directed to respondent No.2 Superintendent of Police, Fatehabad to look into the representation and decide the same at earlier. In the compliance of above said petition, Superintendent of Police, Fatehabad got investigated the case and found that it was a not a case of murder beside this, this was a case of road side accident which took place by-chance in which deceased were died.”

In view of the above, learned State counsel states that after investigation, now the untraced report has been presented before the competent Court and the Court has issued notice to the petitioner for 12.10.2016.

In that view of the matter, I am satisfied that investigation pursuant to the order made by this Court, has been completed. If the petitioner is still aggrieved, he has remedy to avail under law since he has been given notice on untraced report.

Disposed of with liberty aforesaid.

(A.B. CHAUDHARI)
JUDGE

September 23, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No