

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

CRM-M No. 33645 of 2015 (O&M)

Date of decision: 14.07.2016

Digram

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present : Mr. J. S. Hooda, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Ashok Kumar, Advocate
for respondents No. 4 to 7.

HARI PAL VERMA, J. (Oral)

Prayer in this petition, filed under Section 482 Cr.P.C., is for transfer of the investigation of case FIR No. 325 dated 05.06.2015, registered at Police Station- Sadar Palwal, District- Palwal, under Sections 302, 34 IPC to Central Bureau of Investigation (CBI) or any other independent agency. Prayer has also been made to take legal action against respondents No. 4 to 7.

Learned counsel for the petitioner states that the son of the petitioner, namely Amit, was killed by respondents No. 4 to 7 who are all notorious criminals. On 05.06.2015, the petitioner and other residents of village found the dead body of Amit in the fields. The petitioner made a complaint to the police for registration of a case, but the police is trying to aid the

accused and is not investigating the matter in an appropriate manner.

Reply/status report has already been filed by Mr. Moji Ram, HPS, Deputy Superintendent of Police, Palwal on behalf of respondents No. 1 to 3.

As per the said status report, after lodging of the FIR, the police has been investigating the matter thoroughly and during the course of investigation, the Investigating Officer reached the spot and conducted the proceedings under Section 174 Cr.P.C. He prepared a rough site plan and got conducted the post-mortem of the dead body. The dead body was then handed over to the family members. During the course of investigation, it was found that deceased and his two companions had collided with a tree when they were riding on their motorcycle under the influence of liquor. Amit, who was driving the motorcycle, sustained head injury and ultimately succumbed to the said injury in the hospital after two days. Paragraph No. 4 of the said status report reads as under:

"That it (is) very significant to mention here that on 06.09.2015, the investigating officer again visited the spot and enquired the matter from the residents near the spot, who stated that one Neeraj s/o Santlal, caste Brahmin and Amit s/o Digram, Caste Brahmin, residents of village Bamnikhera, Tehsil and District Palwal were under the influence of liquor and snatching money from the labour persons, but when other labour person reached there, they tried to run away on their motor cycle and hit a safeda tree and met with an accident. In the said accident Amit sustained injury in his head and after two days succumbed to the said

injury in the hospital. Then on the basis of a detailed investigation, cancelation report was prepared.”

Learned State counsel has submitted that after filing of this petition, the State has constituted Special Investigation Team (SIT) which has investigated the matter and on the basis of the report of the SIT, the present status report has been filed. Learned State counsel further submitted that after conducting the proper investigation, the police has prepared its report and the same has been submitted to the Court concerned.

Having heard learned counsel for the parties, this Court is of the opinion that matter has been investigated by the police and SIT was constituted. As per SIT report, Amit, son of the petitioner, has died in accident while he was driving a motorcycle. He sustained head injury which led to this death. Thus, this Court does not find any merit in the case.

Present petition is accordingly dismissed.

July 14, 2016

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**(HARI PAL VERMA)
JUDGE**