

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM No.M-40409 of 2014 (O&M)
Date of decision: February 15, 2016.

Kunal Verma

... **Petitioner**

v.

State of Punjab and others

... **Respondents**

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Dilpreet Singh, Advocate for
Mr. Anurag Arora, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral):

In the present petition filed under Section 482 Cr.P.C., the petitioner seeks the investigation in FIR No.5 dated 13.1.2014, registered at Police Station Haibowal, District Ludhiana, under Sections 307/34 IPC, later on added Section 302 IPC, from some independent agency, along with calling for the status reports, contending that the accused have not been arrested so far.

The petitioner Kunal Verma is residing in House No.12-L, Block-B, South City, Ayali Khurd, Ludhiana City along with his parents, brother Rahul Verma (since deceased) and sister Priyanka Verma. The marriage of Priyanka was fixed for 22.1.2014 and the

present petitioner along with his parents had gone out to distribute the marriage cards. At about 9 pm, the complainant received a call from his brother Rahul inquiring as to when they would come back home. When at 9.45 pm the complainant reached home, he saw that his brother Rahul Verma was lying in the kitchen having sustained several stab wounds on the stomach, injuries on head and legs and lot of blood was oozing out of those injuries. His sister Priyanka had also suffered injuries on head and legs. The complainant brought a car to remove his brother Rahul Verma and sister Priyanka to DMC, Ludhiana. On the way, Rahul Verma was uttering "Happy do not beat, Happy do not beat". After few hours, Rahul Verma succumbed to the injuries without making any statement to the police. Later on, the statement of Priyanka was recorded after about three months wherein she disclosed to the police that two persons had attacked her; one was having a *dagar* with golden handle. The assailants were with muffled faces.

After the registration of the FIR, the police have been investigating the case from different angles. Large number of persons have been associated. Several status reports have also been filed before this Court but for almost more than two years, the police is unable to find out the culprits nor they are able to point out any lead which could lead them to the apprehension of the culprits.

I have heard learned counsel for the parties.

It comes out that from the perusal of the FIR itself that no robbery was committed. The marriage of Priyanka, sister of the

petitioner, was fixed after few days, i.e., 22.1.2014 and the occurrence took place on 12.1.2014 between 9 to 9.45 pm. In this case, no robbery was committed or attempted to be committed. Facts show that at least Happy was known to the deceased Rahul Verma and that the motive of the crime was to murder Rahul Verma. Rahul Verma received 19 stab wounds and also a fracture of leg whereas Priyanka received three injuries on the head and on the index finger. The intention of the assailants who were stated to be with muffled faces, apparently was to ensure that Rahul Verma did not survive. It suggests that it is a case of personal enmity. The police has inquired the case from different angles but are unable to point out who was that Happy.

In these circumstances, I am of the view that the police has reached the dead end. The request of the State Counsel that call details are being examined and for that purpose some more time be given, is not acceptable. The police have taken two years to examine the call details. This Court has come to the conclusion that the investigation of the case is being conducted in a routine manner. Therefore, this Court is of the view that the investigation by the Punjab Police has reached a dead end and no more progress can be expected.

In view of these circumstances, I am of the view that some other expert agency is required to investigate the case in a professional manner. Therefore, investigation of the case bearing

FIR No.5 dated 13.1.2014, Police Station Haibowal, District

Ludhiana, under Sections 307/34 IPC, later on added Section 302 IPC, is withdrawn from the Punjab Police and is entrusted to the CBI, Sector 30, Chandigarh to take the investigation to a logical end.

The petition stands allowed accordingly.

February 15, 2016.
kadyan

[Kuldip Singh]
Judge