

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

CWP No.21098 of 2014

Date of Decision:07.12.2016

Sher Singh

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Harshvardhan, Advocate for
Mr. Ravi Singh, Advocate for the
petitioner.

Mr. P.P. Chahar, DAG, Haryana.

Mr. R.S. Mamli, Advocate for
respondent No.4.

RAKESH KUMAR JAIN, J.(Oral)

This petition is filed by father of one Gurjit Singh, who died in the house of respondent No.4 on 8.5.2014. It is averred in the petition that on the fateful day, respondent No.4 made a phone call to the deceased because of which he went to visit his house. Thereafter, his dead body was found hanging with the ceiling of one of the rooms of the house of respondent No.4. In post mortem report, the cause of death was deferred for want of opinion of the Chemical Examiner. The report of the Chemical Examiner is filed along with the reply of the State in which it is mentioned that poison and alcohol was not found in the body of the deceased. The cause of death has been given by the Medical Officer, Civil Hospital, Jagadhri that it is because of Asphyxia as a result of hanging which

is antimortem in nature and sufficient to cause death in ordinary course of life. So far, a formal FIR has not been registered because the prosecution is working on the theory that the deceased might have committed suicide as he has left behind a suicide note.

Counsel for the petitioner has submitted that the investigation is not in the right direction as so far the investigating agency has not got the handwriting on the suicide note compared to that of handwriting of the deceased in order to find out as to whether the said suicide note is written by him and also has not considered various aspects of the matter, namely, the deceased was working in Merchant Navy, was a young man of 30 years, he had allegedly gone to the house of respondent No.4 and as submitted by counsel for respondent No.4, he had a scuffle with him and that thereafter, allegedly committed suicide in the house of respondent No.4. The Investigating Officer has to look into various aspects of the matter and the allegation made by the petitioner is that the deceased was done to death and then hanged to give it a colour of suicide whereas the case of respondent No.4 is that the deceased himself committed suicide out of frustration though in his house as his dead body was recovered from the room which was closed from inside. The only prayer in this petition made by the petitioner is that the investigation may be made under the supervision of an IPS Officer so that it may be investigated as to whether it is a case of homicide or suicide.

Counsel for respondent No.4 has also not objected to the investigation by a team headed by the IPS Officer, therefore, in the given facts and circumstances, the present petition is hereby disposed of with a

direction to respondent No.1, i.e. Director General of Police, Haryana to constitute a Special Investigation Team in this matter headed by an IPS Officer of the rank of Superintendent of Police. The Investigating Officer shall act in accordance with law after taking into consideration all aspects of the matter.

December 07, 2016
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No