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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ W.P.(CRL) 691/2015

SATISH KUMAR ..... Petitioner

Through: Mr. Davender Kumar, Adv.

versus

THE STATE (NCT) OF DELHI & ORS ..... Respondents

Through: Ms. Kamna Vohra, ASC for R-1 to R-4 with Insp. Samar Pal Singh, AATS/Outer District.

Mr. Sanjiv Bhandari, SPP for CBI/R-5.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

O R D E R

% 15.09.2016

On the complaint of the mother of Hemant (deceased), aged about 12 years, FIR No. 728/2014 under Section 336 IPC was registered at police station Bawana on 12th September, 2014. Complainant stated in the FIR that her son had gone to school at 07:20 am on 11th September, 2014 but had not returned. Subsequently, dead body of Hemant was recovered from Village Halalpur, Haryana on 12th September, 2014. Accordingly, offence under Section 302/201 IPC were added. Investigations are still in progress.

Petitioner is father of the deceased. He was not living with his wife and children. He has filed this petition for transfer of investigation to Central Bureau of Investigation or any other independent agency, that is, Crime Branch/DIU Cell and to be conducted by a senior police official.

Status report has been filed stating therein that, as per the post-mortem report, deceased died due to the combined effect of haemorrhage and shock as a result of head injury nos. 1 and 2 respectively, which are sufficient to cause death in the ordinary course of nature. It is further stated that during the investigation conducted so far, it has been revealed that deceased had not attended the school on 11th September, 2014. Statement of Ms. Divya, class teacher of deceased was recorded in this regard. She stated that deceased was not regular in attending the school. Inquiry was also made from the classmates of the deceased. Petitioner suspected that her wife was having illicit relations with Sandeep S/o Ramesh R/o Village Mallha Majra District Sonipat, Haryana. Accordingly, inquiry was made and it was revealed that Sandeep was lodged in Sonipat Jail and petitioner's wife Saroj Bala had visited the jail to meet Sandeep on 17th June, 2014 and 29th September, 2014. Petitioner pointed out that some blood stains were there in the store room of his house at Bawana. Accordingly, blood stained piece of floor was taken and sent to FSL, Rohini on 18th November, 2014 for expert's opinion. Saroj Bala was interrogated in this regard and she stated that these spots were of warnish, used for iron grills. Mobile phone calls of suspects Sunil S/o Om Prakash, Saroj Bala and other persons were

examined. Location of the mobile phone of Sunil S/o Om Prakash was located to mobile tower No.40412-1792, in the intervening night of 11th and 12th September, 2014 between 1:16 am to 1:17 am, mobile tower was near Village Thana Kalan Tehsil, Kharkhoda District Sonipat, Haryana. The dead body of deceased-Hemant was recovered from a place near the village Halalpur, P.S. Kharkhoda Haryana, which was also covered by the mobile tower no. 40412-74-1792. It was also revealed that tyre marks of 'Tata Magic' vehicle owned by Ranjeet @ Udmi were similar to the tyre mark pattern found near the spot. Sunil Kumar and Ranjeet @ Udmi were produced before the Metropolitan Magistrate, Rohini on 13th April, 2015 and with their consent a Polygraphic test was got done, which was found suspicious. Thereafter, a Narco Analyses test was done on these persons and the same was found satisfactory.

Petitioner is not satisfied with the investigation conducted so far. Local police is not able to make any headway till now. Accordingly, it is ordered that investigations of this Court be transferred to the Crime Branch forthwith.

Writ petition is disposed of in the above terms.

A.K. PATHAK, J.

SEPTEMBER 15, 2016/ga