

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24349-2016 (O&M)

Date of decision: 12.09.2017

Chanchal Devi

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Lekh Raj Sharma, Advocate for the petitioner
Mr.R.K.Makkad, Deputy Advocate General, Haryana
Mr.Jagjit Singhy Gill, Advocate for respondent nos.5 to 11
Mr.Subhash Godara, Advocate for respondent No.12
Mr.Ramesh Hooda, Advocate for respondents no.13
Mr.Amit Aggarwal, Advocate for respondent no.14

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Chanchal Devi petitioner, wife of ASI Mahavir Singh of Haryana Police (since deceased), has filed this petition under Section 482 Cr.P.C. for handing over the investigation of FIR No.163 dated 2.5.2016 under Section 306 IPC registered at Police Station Ballabhgarh, District Faridabad to CBI and to register a fresh FIR in view of the suicide note of ASI Mahavir Singh, deceased.

The short facts which are required to be noticed for the purpose of disposal of the present petition are that ASI Mahavir Singh (since deceased) was working in Haryana Police. He committed suicide on 28.4.2016 by consuming poisonous substance. Immediately after the death, nobody suspected anything. However, later on, Sonia daughter of the

deceased found a suicide note in the phone of ASI Mahavir Singh(since deceased) and later on, on search of Almirah six page hand written suicide note of deceased was also found. Chanchal Devi made a complaint to the police and on the basis of which, the present FIR was registered. In the suicide note, which is a detailed one, the deceased levelled allegations of corruption against Inspector/ SHO Jagdish Prashad, Inspector/ SHO Hardeep Singh Hooda, Inspector/ SHO Babu Lal, MHC Kulwant, Accountant Pawan, Vikas ASI, Vijay younger brother of Vikas, Atma Ram, Inspector (now DSP in Vigilance), Satya, DSP (Vigilance) (now retired) and Vinod Kaushik DCP (Traffic). In the suicide note, he has given the details, as to how the money was demanded from him and in some cases extracted from him by the aforesaid officials on different occasions for the different reasons. On account of repeated demands and extraction of the money, ASI Mahavir Singh is stated to have committed suicide, leaving behind a suicide note. Different amounts are mentioned in the suicide note itself.

State (respondent nos.1 to 4) has filed the reply, in which it is stated that the matter has been investigated. SIT was constituted headed by police officer of the rank of DSP. After investigation and recording statements of the witnesses, SIT has submitted the untraced report before Illaqa Magistrate, which according to the statement made at the bar by learned State counsel, has now been accepted on 8.9.2017 i.e. a few days back.

Remaining private respondents adopt the reply of respondent nos.1 to 4.

I have heard learned counsel for both the parties and have also carefully perused the record.

The perusal of the suicide note, as reproduced in FIR, gives a shocking account as to how ASI Mahavir Singh(since deceased) was depressed on account of repeated demands of bribe from him. He even paid money on some occasions. He has given the details in suicide note as to on which account the money was demanded by which accused and how he paid money in some of the occasions. The details of the suicide note need not to be reproduced. Some police officials are of the rank of DSP and were working in Vigilance department. The SIT has merely recorded the statements of the witnesses and tried to show that ASI Mahavir Singh (since deceased) was suffering from depression. He was a habitual absentee and therefore, he has committed suicide. However, details of the corruption wherein were not properly got verified. As in this case, high ranking officers/officials are also involved and some of them are working in Vigilance Department, therefore, apprehension of the petitioner appears to be correct that a fair inquiry by Haryana Police will not be possible. Some of the police officers might have been promoted or are likely to be promoted in near future. In this case, where wide spread corruption was disclosed by ASI Mahavir Singh(since deceased), it needs to be investigated by some independent agency. The apprehension of the petitioner is correct that the officials of the Haryana police may like to protect their fellow officials.

It being so, without making further comments on the merits of the case, which may prejudice the investigation, the present petition is allowed and investigation of FIR No.163 dated 2.5.2016 under Section 306 IPC registered at Police Station Ballabhgarh, District Faridabad is withdrawn from Haryana Police and entrusted to Central Bureau of Investigation, Sector 30, Chandigarh. The CBI is directed to register a fresh

FIR and investigate into the allegations levelled by petitioner as per version of suicide note of ASI Mahavir Singh (since deceased) from all angles and find out the truth and take necessary follow up action in the matter. The CBI is also directed to make proper security arrangements to ensure that the petitioner and her family members are not threatened or overawed by any member of the Haryana police. Haryana Police is directed to hand over the entire case file, including documents, to CBI.

12.09.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned:	Yes
Whether Reportable:	Yes