

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-2394 of 2017 (O&M)

Date of Decision: 07.04.2017

Kanwar Bhan

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Satish Saini, D.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Reply on behalf of the State has been filed in Court today.

Same is taken on record. Copy has been furnished to learned counsel for the petitioner.

With the consent of counsel for the parties main petition is taken up for disposal today itself.

The present petition had been filed under Section 482 Cr.P.C praying for issuance of directions to the official respondents to conduct a fair and proper investigation in case FIR No.182 dated 29.7.2016 under sections 302, 34 I.P.C, registered at Police Station, Bawani Khera, District Bhiwani.

In the reply that has been filed in Court today the following stand has been taken on behalf of the State:-

“After registration of the case, investigation was carried out, spot inspection was made and action under section 174 Cr.P.C was taken. Statements of witnesses were recorded and efforts to search out the accused were made. The investigation/verification of the case was done by Sh. Chander Pal, H.P.S., Deputy Supdt. of Police, Headquarters, Bhiwani,

respondent no.4 on 04.08.2016 and the spot was visited and people of village were also joined investigation. It was found that no fighting took place in between the deceased and the accused. Only a verbal altercation took place between one Jagbir @ Jaggu son of Raj Karan and the accused which was amicably resolved and no construction of the street near the house of the deceased was found to be carried out on 28.7.2016 while the work of the street has taken place three days before the said date. The Post Mortem Report revealed that no external injury mark was seen on the body of the deceased. Further, the facts were also verified by Sh. Vijay Deswal, H.P.S., Deputy Supdt. Of Police, Bhiwani, after visiting the spot on 07.09.2016 and facts were found to be similar as stated above. On 10.11.2016, the report of the Chemical Examiner, Regional, F.S.L., Sunaria (Rohtak) was received and no common poison was detected in the exhibits sent. A copy of the report is annexed herewith as Annexure R-1.

The investigation of the case was transferred to State Crime Branch, Haryana by the Director General of Police, Haryana vide his office no.2244-47/Spl. Cell dated 07.11.2016. The investigation was carried out and persons from both sides were joined investigation, the place of incident was inspected. The report of the Pathology Department, P.G.I.M.S., Rohtak was received and the final opinion regarding the cause of death of the deceased was sought. It was opined that the cause of death is due to cardiac pathology. No concrete evidence has come till date against the accused which could lead to the arrest of the accused persons. The Polygraph Test of accused Ajeet, Parveen, Maan Singh and Lal Chand has been got conducted on 15.03.2017 and the result thereof is still awaited. The investigation of the case is being conducted in accordance with law and that too by an independent agency.”

In the light of such categoric and positive stand taken on behalf of the State, no directions are required to be issued in the present petition.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.04.2017

lucky

Whether speaking/reasoned:	Yes
Whether Reportable:	No