

228

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No. M-25964 of 2015 (O/M)
Date of decision : 28.9.2017

Narinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Amandeep Saini, Advocate, for petitioner.

Ms. Monika Jalota, DAG Punjab.

Ms. Ramandeep Kaur, Advocate, for,
Mr. Sumeet Goel, Standing Counsel, for respondent No. 4-CBI.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

-. -

-. -

KULDIP SINGH J. (ORAL)

The petitioner states that his father late Capt. Sham Singh had retired from Indian Army. He was Sarpanch of village Bandala for three consecutive terms. On 31.7.2012, Capt. Sham Singh went outside and did not return. His motorcycle was found near old bridge of Beas river. On 2.8.2012, his body was found from village Gagrewal. According to the petitioner, there were marks of violence and injury on the dead body of his father. One part of moustaches and nails of fingers were also found to be pulled by somebody. According to petitioner, it is a case of murder. The petitioner further levelled the allegations against one Balbir Singh, stating

CRM No. M-25964 of 2015 (O/M)

that his father had filed eviction proceedings against said Balbir Singh, who was being supported by Lakhwinder Kaur, Panch, and Dilbagh Singh, Panch. Against eviction, notice was pending in CWP No. 7967 of 2012 before this Court, in which next date of hearing was 27.8.2012. However, Capt. Sham Singh was murdered on 31.7.2012. The photographs were also attached with the petition.

Respondents No. 1 to 3 in the status report, filed by way of affidavit of Sohan Singh, PPS, Deputy Superintendent of Police, Baba Bakala, District Amritsar (Rural), has stated that an information was received on 31.7.2012 that a motorcycle Hero Honda Passion bearing registration No. PB02U8276 is parked on the old bridge of river Beas. The police officials went to the spot and found the motorcycle parked there. From the bag which was hanging with handle of the motorcycle, driving licence, identity card of Capt. Sham Singh and some other documents were found. A DDR No. 28, dated 31.7.2012 was recorded at PS Beas. The post mortem was got conducted. Viscera was sent to the Chemical Examiner. From the medical report, it comes out that the possibility of drowning is not ruled out. According to the police, it is not a case of murder. The police has conducted inquiry and nothing was found to show that Capt. Sham Singh was murdered. Capt. Sham Singh was suspended from the post of Sarpanch

It also comes out that CBI was also made party in this case as respondent No. 4 and the CBI was directed to do the investigation. The CBI has also filed the scrutiny report dated 29.1.2017, in which it is reported that Capt. Sham Singh had withdrawn Rs. 2,70,8000/- through various cheques, regarding which complaint dated 11.10.2010 was made by

CRM No. M-25964 of 2015 (O/M)

Dilbagh Singh, Bakshish Singh, Avtar Singh and Lakhwinder Kaur, all panchayat members of village Bandala to the Minister, Rural Development and Panchayat Department, Government of Punjab. Capt. Sham Singh was called by the Additional Deputy Commissioner (Development), Zila Parishad, Amritsar, on 24.2.2012. He was also issued show cause notice on 12.4.2012 by Director, Rural Development and Panchayat Department, Government of Punjab. Another letter dated 18.6.2012 was issued by Balwinder Singh, Director, Village Rural Development and Panchayat Department, Government of Punjab. The dead body was found from Beas river at village Gagrewal on 2.8.2012 at 7:30 PM. The CBI has reported that circumstances and scrutiny of documents shows that the death took place due to drowning.

I have heard the learned counsel for the petitioner, the learned State counsel, the learned proxy counsel appearing for the learned standing counsel for respondent No. 4-CBI and have also carefully gone through the file.

The reply of State as well as the scrutiny report of CBI shows that the cause of death was drowning. The original copy of post mortem is also on file, in which no mark of violence was found on the body of the deceased. The missing part of moustache and nails of fingers are due to the fact that the body remained in water for nearly three days. Therefore, apparently, the death is not homicidal. Once the homicidal death is ruled out, the scrutiny report of CBI and the report of State police have to be accepted that the death is due to drowning, which is most likely to be suicidal on account of circumstances prevailing against Capt. Sham Singh at that time. No ground to order registration of FIR and order inquiry by some

CRM No. M-25964 of 2015 (O/M)

other agency is made out. Hence, petition is dismissed.

(KULDIP SINGH)
JUDGE

28.9.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No