

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

**CRM No. M-28381 of 2015
Date of decision: 12.01.2017**

Smt. Gurmail Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. D.R. Singla, DAG, Haryana.

Ritu Bahri, J.

The petitioner is seeking direction to entrust the investigation of case FIR No.202 dated 31.07.2013, under Sections 498-A, 302 read with Section 34 IPC, registered at Police Station, Chandimandir, to Central Bureau of Investigation (CBI) or an independent investigating agency, as the local police is in connivance with the accused persons.

Upon notice, reply on behalf of respondent No.1-State, by way of affidavit of Assistant Commissioner of Police, Panchkula, has been filed, wherein it has been stated that on 25.07.2013, a message for sending an Investigating Officer was received from GMCH, Sector 32, Chandigarh, as Mamta wife of Rajesh Kumar, resident of village Ramgarh, was admitted in burn case. Thereafter, Ashwani Kumar, ASI & Gurmej Singh, HC, had visited GMCH, Sector 32, Chandigarh and made an application before the

doctor to record the statement of injured. But, the doctor on duty declared Mamta unfit to make a statement. On 26.07.2013, Ashwani Kumar, ASI & Ved Parkash, E/ASI, again visited the hospital and made an application to record the statement of victim. This time, the doctor on duty declared injured-Mamta fit to make a statement. Thereafter, Duty Magistrate reached the hospital. At that time, Dr. Singhashu, In-charge of Burn Unit, was in Operation Theatre. On 27.07.2013, the Duty Magistrate recorded the statement of Mamta in the presence of In-Charge, Burn Case Unit, which is annexed as Annexure R-1. As per said statement, the burn injury was found to have been caused by falling of *diya* oil suddenly on her body. After recording of her statement, DDR No.19 dated 27.07.2013 was recorded. On 31.07.2013, a message was received that injured-Mamta had died. Thereafter, Virender Kumar, brother of deceased, made a written complaint to the police, on the basis of which, aforesaid FIR was registered. During investigation, statements of the witnesses were recorded and the matter was handed over to CIA Staff, Panchkula. During investigation, it was found that burning *diya* fell on the deceased and by split of oil, she caught fire. Ultimately, due to septicemia, she died in the hospital. On conclusion of investigation, a cancellation report was prepared on 30.09.2013. On two occasions i.e. 20.04.2016 and 20.05.2016, notices were issued to the complainant to appear before the Illaqa Magistrate, but the complainant did not appear.

Learned State counsel, on instructions from ASI Sushil Kumar, has informed the Court that another notice was issued to the complainant to appear before the Court on 09.01.2017, but he did not appear.

Keeping in view the statement given by the deceased

(Annexure R-1), no ground is made out to hand over the investigation of this case to any other agency.

Dismissed.

12.01.2017
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No