

108.

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

CRM-M-5773-2012

Date of decision:13.07.2017

ABHISHEK KUMAR

... Petitioner

versus

STATE OF PUNJAB & ORS.

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab,
for respondents No.1 to 5.

Mr. A.P. Kaushal, Advocate,
for respondents No.6 to 8.

HARI PAL VERMA, J. (Oral)

Petitioner-Abhishek Kumar has filed the present petition under Section 482 Cr.P.C. seeking direction to respondent No.2 i.e. Director General of Police, Punjab, to hand-over the investigation of the complaints (Annexures P-4 and P-5) to some senior IPS officer.

The complaints were made by the petitioner to the Senior Superintendent of Police, Patiala, that his brother, namely, Raj Kumar was murdered on 24.07.2010 and one suicide note was found from his wallet. Accordingly, the SSP was requested to register a case against the accused as named in the suicide note.

On 07.08.2014, this Court had directed the respondents to register an FIR into the death of the brother of the complainant-petitioner and to investigate the matter by the Special Investigating Team as already constituted.

Status report by way of affidavit of Hans Raj, PPS, Deputy Superintendent of Police City-I, Patiala, has already been filed on behalf of State of Punjab. As per the said status report, after registration of the case, SIT has conducted investigation under the supervision of Superintendent of Police City, Patiala and Deputy Superintendent of Police (Detective), Patiala and SHO Police Station Civil Lines, Patiala, were its members. The said team has summoned the petitioner and a statement was recorded but the petitioner did not produce the original suicide note. The petitioner was asked to produce the original suicide note time and again, but no such suicide note was produced and only a photostat copy of suicide note of the deceased was produced wherein the deceased had put his signature in the name of "Raju". The signature on the suicide note as "Raju" and in the ration card register registering his name as "Raj Kumar" were sent to Forensic Science Laboratory, Mohali for comparison. The FSL, Mohali had reported that it is not possible to give any opinion as the photostat copy of suicide note has been supplied and since there is no original suicide note, so it is not possible to make out size from the photostat copy. The viscera report of the deceased-Raju was received from the office of Assistant Chemical Examiner, Kharar, wherein the cause of death has

been shown as “Aluminum Phosphide insecticide poisoning”. Accordingly, on the basis of investigation so conducted by the SIT, a cancellation report was prepared and forwarded for acceptance to the Court on 18.08.2016.

Since the SIT has already submitted a cancellation report, the prayer made in the present petition no more survives. The petitioner is at liberty to pursue the case in accordance with law.

Accordingly, present petition stands disposed of.

(HARI PAL VERMA)
JUDGE

13.07.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No