

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

**CRM No.M-6402 of 2016(O&M)
Date of Decision: October 23, 2017**

Jamna Bai

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Judgepreet Singh Warring, Advocate
for the petitioner.

Mr.K.S.Aulakh, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against State of Punjab and other respondents for directing respondents No.2 to 4 to register FIR under Sections 302, 34 and 120-B IPC against respondents No.5 to 9 and to protect life and liberty of the petitioner etc.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that in the present case, the occurrence took place in the year 2013 in which petitioner's son namely Mohinder Singh died while doing labour work at Grain Market, Village Jarki

Andewali. Learned State counsel, in the reply, has specifically stated that he died due to heart attack. Neither any post-mortem examination was conducted at that time nor inquest proceedings were conducted nor the matter was reported to the police at that time. First time, after about 5-6 months, application dated 12.03.2014 was filed.

As no post-mortem examination was conducted on the dead body, there is no cause of death. At this stage, there is nothing on the record to show prima facie that it is a case of murder. I have also gone through the representation dated 12.03.2014 moved by the petitioner. Even no motive has been mentioned for the murder. It is stated in this representation that at that time, sister of the deceased was present on the spot but no particulars are there as to how the accused killed him i.e. by beating or by causing injuries or by administering poison.

Even otherwise, if it is taken that deceased's sister was present there when Mohinder Singh was murdered, then why no specific particulars have been given in the representation, which can be held as first version even given after about 5-6 months of the occurrence. No place of occurrence has been given, no weapon and no names of accused have been mentioned. Otherwise also, if the sister of the deceased had seen the occurrence at that time, then nothing is there in the representation as to who stopped her from reporting the matter to the police and why dead body was cremated without post-mortem examination at that time.

From the record, I find that there is no cause of death, no post-mortem examination, no immediate version and no particulars regarding the occurrence are there. The matter was not reported to the police immediately.

Even the inquest proceedings have not been conducted. There is a long

delay in reporting the matter first time to the police and furthermore, as per reply filed by the State, enquiry was got conducted by the police and version of the complainant was found false.

Keeping in view all these facts, I do not find any merit in the present petition and the same is dismissed.

However, nothing stated above shall constitute my opinion on the merits of the case. The above-said reasonings have been given for the disposal of the present petition only. The petitioner is at liberty to avail alternative remedy available to her, as per law.

October 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No