

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

**CWP No. 5910 of 2016
Decided on : 22.11.2017**

Vikas Garg

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

PRESENT: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

Ms. Vaishali Singla, Advocate
for respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

The petitioner has approached this Court under Article 226 of the Constitution of India, by way of Public Interest Litigation, seeking direction to respondents No.1 to 3, for setting up of a Special Investigation Team (SIT) for conducting investigation into murder of Jyoti Rani d/o respondent No.5 by respondent No.4, by running his car over her, *inter alia*, on the ground that (i) Barnala Police, being under the influence of respondent No.4, who is Bureau Chief of Punjab Kersari and Jag Bani for Barnala District, and is also the Secretary to Barnala Club, has not registered the FIR against the said respondent and instead, it got conducted his postmortem under Section 174 of Cr.P.C., thereby, giving a decent burial to the criminal case itself; and (ii) present petitioner is an eye witness to the cries of respondent No.5, who is a poor farm labourer employed in the poultry farm of respondent No.4, at the time of conducting the postmortem of the dead body of his daughter on 02.02.2016 in Civil Hospital Barnala and himself heard the respondent No.5 alleging that his daughter has been intentionally run over by respondent No.4 by his car; and (iii) the petitioner has in his possession a video recording as well as a sound recording of his conversation with respondent No.5, which was recorded by the petitioner after the postmortem of the dead body of the daughter of respondent No.5

was over, and the recording shows that clear allegations have been levelled by respondent No.5 against respondent No.4 for deliberately running his car over the daughter of respondent No.4; and (iv) the petitioner neither being a victim of the aforesaid crime, nor being a family member of the deceased, can not set the criminal law procedure into motion against respondent No.4, regarding the aforesaid incident; and (v) the complaint (Annexure P-2) submitted by the petitioner to respondent No.3 on this issue has not evoked any response; and (vi) a complaint filed by the petitioner sent to the Punjab State Human Rights commission, Chandigarh, has just been disposed of on the ground that the complaint sent by the petitioner to the DGP, Punjab, is pending.

2. In view of the reply filed on behalf of respondents No.1 to 3, more particularly, Annexure R-3/1/T attached with the reply, wherein, the statement of respondent No.5 i.e. the father of the deceased has been appended, learned counsel for the petitioner states that he may be allowed to withdraw the present writ petition.

4. Dismissed as withdrawn.

(AJAY KUMAR MITTAL)
JUDGE

(AMIT RAWAL)
JUDGE

November 22, 2017

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No