

Crl. Misc. No. M-14125 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-14125 of 2018

DATE OF DECISION:27.08.2018

Hardeep Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. H.S. Dhaliwal, Advocate
for the petitioner.

Mr. C.L. Pawar, Senior DAG, Punjab.

DAYA CHAUDHARY, J.

Petitioner-Hardeep Singh has approached this Court under Section 482 Cr.P.C. for issuance of directions to respondent No.4 to submit his report on the representation dated 4.12.2017 (Annexure P-3). A further prayer has also been made for conducting fair and thorough investigation by some independent agency.

Learned counsel for the petitioner contends that son of the petitioner, namely, Gagandeep Singh, aged 23 years and Manpreet Singh, aged 22 years were intercepted from their houses by respondent No. 7 in conspiracy and in connivance with respondent No.8 with an intention to commit their murder. On 3.11.2017, the petitioner received a telephonic message that dead bodies of Manpreet Singh and Gagandeep Singh were lying in a pool of blood at some distance place from the drain near

Khurmania (Police Station Lopoke). FIR was registered under Sections 304-A, 427, 279, 337 and 338 IPC instead of Section 302 IPC. Learned counsel further contends that murder of two young persons has been given the shape of accident by respondent No. 5 in connivance with respondents No. 7 and 8. The motive behind the murder was that respondent No. 8 had a grouse that Gagandeep Singh was calling his daughter on phone and respondent No. 8 in connivance with respondent No. 7 managed to call both the persons (deceased) from their houses and committed murder. It is also the argument of learned counsel for the petitioner that FIR was registered by mentioning wrong facts, whereas, the matter was never reported by the complainant-Balwinder Singh, who is uncle of deceased-Gagandeep Singh. A specific affidavit has been filed by said complainant denying the facts that it was never got recorded by him. His signatures were obtained by the police personnel and the same were misused. At the end, learned counsel for the petitioner submits that the petitioner has also made a detailed representation to the Inspector General of Police, Border Range, Amritsar for fair and thorough investigation by the police of some other District and the said representation was marked to the SSP, Amritsar (Rural) calling a report about the action taken on the complaint. Learned counsel also submits that no action has been taken so far as the police officials are in connivance with respondents No. 7 and 8.

Learned counsel for respondent-State submits that a detailed status report has been filed. During investigation, respondents No. 7 and 8 were asked to join investigation as the allegations were leveled against them in the representation filed by the petitioner. Said respondents No. 7 and 8 were subjected to detailed questioning in order to ascertain the

veracity of the allegations levelled by the petitioner and to know the sequence of the events from the date of occurrence. Learned State counsel further submits that on the date of occurrence i.e. 3.11.2017, respondent No. 7 along with other persons of his village went to attend a fare of Ram Tirath at Amritsar. He was interested to stay there but he had to come back as he was called by his mother. It was found in the detailed inquiry that respondent Nos. 7 and 8 were not involved in the commission of offence. Learned State counsel also submits that as per opinion of the Doctor, the cause of death was head injury with blunt weapon and death has occurred due to multiple injuries including head injury caused with blunt weapon. In detailed investigation, no clue was found against respondent Nos.7 and 8. At the end, learned State counsel submits that investigation is being carried out by ASI Balwinder Singh, which is still going on,.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file including the representation made by the petitioner and the affidavit filed by the complainant.

As per submission made by learned State counsel that a thorough inquiry has been conducted by considering the allegations made by the petitioner in the representation and it was found that respondent Nos. 7 and 8 were not found involved in the commission of offence. Motive for commission of offence is also matter of evidence, which can be seen by trial Court. No connecting evidence was found showing involvement of respondent Nos. 7 and 8 in the commission of offence.

However, learned counsel for the petitioner contends that the petitioner would be satisfied in case the investigation of the case is carried

out by Special Investigating Team head by some senior police officer.

Learned State counsel submits that he has no objection in case the investigation of the case is handed over to Special Investigating Team.

By considering the submissions made by learned counsel for the parties, the present petition is disposed of with a direction to respondent-State to constitute Special Investigating Team of three members and the same shall be headed over by an Officer of the rank of Superintendent of Police. It is also directed that while conducting investigation, mobile/telephone call details of the investigating officer with respondents No. 7 and 8 be also taken into consideration before reaching to any conclusion. The petitioner is also directed to assist the Special Investigating Team, if required.

August 27, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes