

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

**CRM-M-33443-2018 (O&M)
Date of decision:03.12.2018**

Om Parkash

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Kuldeep Singh

Present: Mr. Atul Gaur, Advocate
for the petitioner.

Mr. Nishchal Mann, DAG, Haryana.

Kuldeep Singh, J. (Oral)

The petitioner has filed this petition under Section 482 Cr.P.C. for directing the respondents to get the investigation of the present case be done from some independent Investigating Agency like National Investigating Agency (NIA) or Central Bureau of Investigation (CBI) in FIR No.0112 dated 04.02.2017 under Sections 346 IPC read with Sections 302/34 IPC and Section 3 SC/ST Act, 1989, registered at Police Station Hisar City, District Hisar.

The prosecution story is that on 02.02.2017, deceased Rajesh left his house at about 5/5.30 PM, but, he did not return. FIR No.0112 dated 04.02.2017 was registered under Section 346 IPC. On 05.02.2017, dead body of said Rajesh was recovered near the Dhansu Railway Line. The postmortem report reveals that death is due to strangulation which is anti-mortem in nature. It comes out that said Rajesh had solemnized inter-caste love marriage with Poonam. They were also provided police protection and kept in safe house.

His wife Poonam belongs to Jatt community. Security was provided to them on account of danger to their lives. When Poonam had given birth to a son and a party was organized, one Baljeet(sister's son), father of Poonam and two other unknown boys, destroyed the function and threatened the deceased. The complainant alleges that it is a case of honor killing. Since then, the police is conducting the investigation. Now about one year and ten months have elapsed. The status report was filed, in which, it is stated that Jaipal Singh-DSP is conducting the investigation. It is not denied that Rajesh had solemnized love marriage with Poonam and they were kept in safe house due to threat to their lives. During the investigation, Shamsheer Singh-father of Poonam, joined the investigation and regarding some threatening letters, his specimen signatures were taken. A special team under the supervision of Jaipal Singh-DSP was constituted and the specimen writing of Shamsheer Singh, Baljeet, Subhash Bishnoi, Sandeep and Poonam were taken before the learned Illaqa Magistrate and sent to FSL. The polygraphy test of Subhash Bishnoi S/o Amit Lal, Sandeep S/o Jai Pal and Baljeet S/o Balbir Singh was also conducted on 19.02.2018. The polygraphy report was received from FSL and no clue about the culprits has been found. The investigation is still going on and no arrest has been made so far.

I have heard learned counsel for the parties.

Facts of the case and the investigation done by the police show that it was inter-caste marriage as the deceased-Rajesh belongs to SC category whereas, his wife-Poonam belongs to Jatt community which is dominating the society in Haryana. Undisputedly, they had threat to their life and they had to be kept in safe house. Later on, Poonam gave birth to a son. Her parents' side

was disgusted so much that they spoiled the birthday party. It shows that parents' side of Poonam were still nursing grudge against them. Rajesh was strangled. Apparently, there is a motive for the crime. What the police has done so far is to take the specimen hand writing and conduct the polygraphy test. It appears from the investigation that for last one year and nine months, police is taking such measures which would delay the investigation and could destroy the evidence. The course of enquiry shows that no serious investigation is being conducted. None of the accused has been arrested or interrogated.

It being so, this court is of the opinion that a fair and proper investigation is not possible from the Haryana police. Investigation is required to be conducted from the Specialized Agency i.e. CBI which is beyond the approach of any community of the State of Haryana. It being so, the investigation of FIR No.0112 dated 04.02.2017 under Sections 346 IPC read with Sections 302/34 IPC and Section 3 SC/ST Act, 1989, registered at Police Station Hisar City, District Hisar is withdrawn from Haryana police and entrusted to Central Bureau of Investigation, Chandigarh Branch. Haryana Police is directed to send all the necessary papers to CBI, Chandigarh for further investigation into the matter.

Petition is accordingly allowed.

(KULDIP SINGH)
JUDGE

03.12.2018
anju rani

Whether speaking/ reasoned:	Yes
Whether Reportable:	Yes