

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38702-2011 (O&M)

Date of decision: 16.11.2018

Sarita Mahajan and another

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Piyush Gill, Advocate for
Mr. D.K. Bhatti, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Manju Goyal, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.7-CBI.

Mr. M.S. Sachdeva, Advocate
for respondent No.8.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to respondents No.1 to 6 to hand over the investigation regarding murder of son of the petitioners to CBI or any other investigating agency, as the GRP is not investigating the case properly.

This pending is pending since 2011 and at different stages, status of investigation have been submitted by filing separate affidavits.

Vide order dated 11.12.2015, it was directed that the

investigation be carried out by Bureau of Investigation, Punjab and ADGP, Bureau of Investigation, Punjab was directed to constitute a Special Investigation Team for carrying out the further investigation and the Superintendent of Police, GRP, Jalandhar City was also directed to send the record to the Bureau of Investigation, Punjab.

As per the affidavit dated 01.04.2016 filed by the Superintendent of Police, Crime Zone, Jalandhar-cum-Head Special Investigation Team, the SIT has conducted the detailed and comprehensive investigation and has come to the conclusion, which reads as under: -

“Conclusion: -

SIT has investigated openly and secret in-depth to ascertain the cause of death report No.185/2011 u/s 174 Cr.P.C. PS Railway Cantt Jalandhar. The investigation revealed that Dixit Mahajan had withdrawn Rs.9000/- from the Bank account of Tejinder Kaur his store Manager without her consent and her knowledge, for his personal use. When Tejinder Kaur came to know about this, she summoned Deepanshu Sharma s/o Surinder Sharma at his mobile store. Tejinder Kaur and Deepanshu Sharma talked with Dixit Mahajan to return the money and intimated the whole matter to Sarita Mahajan mother of Dixit Mahajan, through Amrik Singh and Puneet Sharma and his mother Shashi Bala. Dixit Mahajan was feeling guilty when he was exposed that he had withdrawn the money from the account of Tejinder Kaur by stealing her ATM from her purse. He left his motorcycle at the mobile shop as he could not return her money. Thereafter, he has committed suicide by jumping into the running train as a result of disappointment and no any cognizable offence is

made out. There is no possibility of kidnapping and murder of Dixit Mahajan and after murder throwing of his dead body on the railway track by Tejinder Kaur and Deepanshu Sharma. The proceedings of inquest u/s 174 Cr.P.C. conducted by GRP Jalandhar has been found fairly in accordance with the law. The Special Investigation Team is of the opinion that this is a case of suicide and not of murder. The S.I.T. has further concluded that Tejinder Kaur and Deepanshu Sharma are not liable for aiding and abetting suicide under Section 306 of IPC also, as the dispute is regarding an amount of Rs.9000/- only.

Report is submitted for further orders please.

<i>Sd/-</i>	<i>Sd/-</i>	<i>Sd/-</i>
<i>Inspector</i>	<i>Dy. Supdt. of Police</i>	<i>Supdt. of Police</i>
<i>Crime Zone,</i>	<i>Crime Zone, Ludhiana</i>	<i>Crime Zone,</i>
<i>Jalandhar</i>	<i>(Member SIT)</i>	<i>Jalandhar</i>
<i>(Member SIT)</i>		<i>(Member SIT)”</i>

In view of the above, learned counsel for the petitioners submits that he may be permitted to withdraw this petition at this stage with liberty to the petitioners to file a complaint before the Illaqa Magistrate, in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

[ARVIND SINGH SANGWAN]
JUDGE

16.11.2018
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No