

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8421-2019 (O&M)

Date of Order:05.04.2019

Ghanshyam

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K.S.Bedi, Advocate
for the petitioner.

Mr. Karan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

Petitioner is an unfortunate person who lost his son in a road accident on 28.10.2017. FIR was registered. Petitioner filed this petition asserting that the police has not taken any action. Reply by way of affidavit has been filed and it has been stated as under:-

“2. That the present case was registered on the statement of petitioner against unknown driver for driving car rashly and negligently and thereby causing death of Kaushik son of Ghanshyam in the area of PS Baldev Nagar, Ambala City. The contents of FIR are as under:-

That on 28.10.2017 on getting information from Police Post, Ambala City, SI Lakhmi Chand reached in Civil Hospital Ambala City at about 10:02 p.m. and recorded the statement of the petitioner who has stated that his elder son Kaushik is working from 7 p.m. to 2. a.m, on ice-cream parlour in KFC, near Jgail Petrol Pump, Ambala City and that on 28.10.2017 he had to go

Ambala City for some personal work and that his elder son Kaushik had stated that he had also go to his duty at KFC, near Jaggi Petrol Pump, Ambala City and I would accompany you on your scooter and that I would be dropped near Jaggi Petrol Pump, Ambala City. He further stated at 6 p.m. On 28.10.2017 he along with his son started from his house for going to the Ambala City, at bout 6:40 p.m., when the petitioner and his son reached in front of Jaggi Petrol Pump, the son of petitioner alighted from the scooter and for going to his duty at KFC, near Jaggi Petrol Pump, Ambala City was crossing the road. In the meanwhile, a unkown vehicle came from the side of Ambala Cantt with a high speed and being driven negligently and hit his son who fell down on the road and due to high speed of the vehicle, the complainant could not noted down the number and make of the vehicle. The petitioner parked his scooter on one side and found that his son has suffered many injuries on his person. The petitioner took his son to the civil hospital, Ambala City with the help of passerby. The doctor checked his son and declared his son as dead. On the basis of above statement the case FIR No.376 dated 28.10.2017 under Sections 279 and 304-A IPC was registered at Police Station Baldev Nagar, Ambala City.

3. *That during investigation SI Lakhmi Chand, the Investigating Officer conducted the inquest proceeding under Section 174 Cr.P.C. and recorded the statement of witnesses. After post mortem examination, the dead body of Kaushik (deceased) was handed over to his relatives for cremations.*
4. *That on 03.11.2017, the investigating officer reached in*

the office of national highway authorities and moved an application for getting the CCTV footage installed at Toll Plaza, Ghaggar, Ambala, for the period 6:30 p.m. to 7:30 p.m, on 28.10.2017 for the identification of value involved in the commission of present offence. Thereafter, the investigating officer reached at Deepak Dhaba, near Jaggi Petrol Pump, Ambala City and joined owner of the dhaba into the investigation for identifying the vehicle in question but could not succeeded as the witness has not known the number and driver of the vehicle.

- 5. On 06.11.2017, IO collected the CD containing CCTV footage of the vehicle crossed toll plaza, Ghaggar, Ambala City from the side of Ambala City towards Punjab from 6:30 p.m. to 7:30 p.m. On 28.10.2017.*
- 6. That on 07.11.2017, IO collected the CCTV footage of the cameras installed near M.T. Crossing situated near the place of occurrence for identifying the offending vehicle. The CCTV footage was taken in pen drive also but the offending vehicle could not be located.*
- 7. That on 11.11.2017, the petitioner (complainant) was called in police station and in his presence CCTV footage played but the offending vehicle could not be identified.*
- 8. That on 21.11.2017, the IO reached near MT crossing, Jaggi Petrol Pump, Ambala City and joined Omkar Singh son of Sh. Harinder Singh, resident of H.No.18A, Jaggi Garden, Baldev Nagar, Ambala City and Ankur Sharma son of Sh. Sunil Sharma, resident of near Baba Kheda Mandir, PS- Barwala, District Panchkula. Both the witnesses were working near the place of occurrence and were enquired about the offending vehicle but they had not seen the offending vehicle on the day of occurrence and therefore the IO could not ascertain about the offending vehicle.*

9. *That IO tried very hard as per his ability to search out the vehicle by joining the many persons into the investigation on 29.11.2017, 08.12.2017, 11.12.2017, 19.12.2017, 22.12.2017 and 29.12.2017 but the offending vehicle could not be traced.*
10. *That on 08,12,2017, the IO visited motor market, Ambala City for searching the offending vehicle, if repaired from the said market. The IO joined Satpal Singh son of Sh. Suraj Ram, a shop owner of M/s Radhey Radhey Washing Centre. Paramjit Singh @ Pammi son of Sh. Nirmal motor mechanic but the offending vehicle could not be traced.*
11. *That the IO along with the other police officials also visited DLF Colony, office of auto union, Patiala and joined Balwinder Singh son of Sh. Rajwant Singh, Mahender Singh son of Sh. Harjinder Singh, Shri Parsad son of Sh. Rampal for the search of offending vehicle but nothing positive come out from the enquiry of above named persons.*
12. *That IO further tried to search out the offending vehilce and joined many persons into the investigation and were interrogated on 05.02.2018, 09.02.2018, 10.02.2018, 23.03.2018, 07.03.2018, 18.03.2018, 20.03.2018, 28.03.2018, 03.04.2018, 12.04.2018, 15.04.2018, 08.05.2018, 21.05.2018 but could not succeeded to search out about the offending vehicle.*
13. *That since despite the efforts the offending vehicle could not be traced, therefore, on 15.06.2018 untraced report was written in the present case by the SHO, PS, Baldev Nagar, Ambala City and was sent to the higher officers for forwarding the same to the court of Ld. Area Magistrate but the complainant is not satisfied with the investigation of the case.”*

In view of the aforesaid reply filed by way of affidavit, this

court does not find any ground to continue with the proceedings.

Disposed of accordingly.

April 05, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No