

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

**CRM-M No. 18587 of 2018
Date of Decision:-21.08.2019**

Surinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. S.S. Majithia, Advocate
for the petitioner.

Mr. Sanjay K. Saini, AAG, Haryana.

Mr. Pankaj Bali, Advocate
for respondents No.5 to 10.

MANOJ BAJAJ J.

Petitioner-Surinder Singh has filed this petition under Section 482 Cr.P.C. for issuance of directions to respondents No.2 to 4 to hand over the investigation of case FIR No.313 dated 23.8.2015, under Section 302/34 IPC, registered at Police Station Shivaji Colony, Rohtak, as neither respondents No.5 to 11 (suspects) have been arrested by the police nor any investigation has been conducted.

The FIR was registered on the basis of statement of petitioner wherein it was alleged that on 22.8.2015, around 6.00 p.m. his younger son

Ravi had gone to look after Chakkawala fields but did not return home. Around 9.00 p.m. his elder son made a call on the mobile phone of Ravi, however, the same was not answered and a search was conducted to find Ravi. According to complainant, on 23.8.2015 he came to know that dead body of his son Ravi was lying on the road near old sugar mill, which leads to Sunaria Jail. The complainant noticed the injuries on right hand, chest, foots and on left shoulder of the victim, and expressed his suspicion that his son was mercilessly beaten to death by Pardeep @ Dodu s/o Khajan, Monu s/o Kuldeep, P.K. s/o Rammehar and one unknown person.

Learned counsel for the petitioner contends that the post mortem report reveals that the victim died due to shock and hemorrhage as a result of injuries suffered by him. He has invited the attention of the Court to the other statements of the petitioner recorded under Section 161 Cr.P.C. on 02.2.2016, 11.3.2016 and 03.6.2017. He contends that in all seven names were mentioned. However, the police has recorded only few names. According to learned counsel, the petitioner was the eye witness of the occurrence and despite this, the police officials have not conducted the investigation fairly, compelling the petitioner to seek interference of this Court.

Notice of motion in this petition was issued and in response, the State has filed the reply on behalf of respondents No.1, 2 and 4 by way of affidavit of Ravinder Singh, DSP (HQ), Rohtak.

As per the said reply, the allegations made by the petitioner were not substantiated. It is mentioned that the petitioner is not the eye

witness of the occurrence as in the first version he has not given the names, who were indicted by him subsequently in his statement under Section 161 Cr.P.C. It was highlighted that the petitioner, who was an employee of Haryana Police, never disowned the complaint given originally, which was duly signed by him and, therefore, there is no merit in the petition. It was further mentioned that as per the opinion of the Board of Doctors at AIMS, the pattern of injuries was consistent with the road traffic accident and the victim died as a result of road accident. The complaint of the petitioner was looked into, however, no truth was found in the same. Learned State counsel submits that the petition deserves to be dismissed. Learned State counsel has also pointed out that after obtaining permission from the Judicial Magistrate 1st Class, Rohtak, the polygraphic test of respondents No.5 to 11 was conducted but the result came in their favour. Learned State counsel also points out that after conclusion of the investigation, the untraced report was filed before the Court of competent jurisdiction.

After hearing learned counsel for the parties, this Court finds that there is material variation in the multiple statements given by the complainant. It is not disputed by learned counsel appearing on behalf of petitioner that in the original statement, complainant has not mentioned this fact that he was the eye witness to the occurrence. He is unable to justify the subsequent improvements and addition of accused persons in the statements recorded under Section 161 Cr.P.C.

In view of the above, particularly the fact that untrace report stands filed before the Court of competent jurisdiction, therefore, this Court

does not find any reason to invoke inherent powers under Section 482 Cr.P.C. for transfer of investigation.

The petition is dismissed.

21.08. 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

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