

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

**CRM-M No.18292 of 2017**

**Date of Order: 25.1.2019**

Sukhsagar Singh

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Fariad Singh Virk, Advocate for the petitioner.

Mr. Arun Kumar, AAG, Haryana.

**ARVIND SINGH SANGWAN, J (ORAL)**

Prayer in this petition is for issuance of directions to get FIR No.0288 dated 23.11.2016 under Sections 279/304-A IPC, P.S Cheeka, District Kaithal re-investigated from some other independent agency.

The brief facts of the case are that the daughter of the petitioner namely Sagardeep Kaur was married with Satnam Singh and was residing in Cheeka for the last six years. Out of this wedlock, she has two daughters namely Neerat aged 5 years and Avneet aged about 9 years.

On 23.11.2016, aforesaid FIR was got registered on the statement of one Satnam Singh with the allegations that he is a Coach and is posted in DAV College Cheeka. His wife Sagardeep Kaur is also a Sports Lady and is posted as ASI in Punjab Police. In the morning at about 4.50 AM, she had gone for a morning walk and at about 5.15 AM when Satnam Singh and his wife reached near Electricity Board, Cheeka. Both of them were running and Satnam Singh was ahead of his wife Sagardeep Kaur

when a car driver came on his car from Guhla side on a high speed and struck the car against his wife due to which she sustained injuries and fell down and car driver fled away from the spot. Due to darkness, he could not note down the mark and number of the car. He arranged a private vehicle and took his wife to Government Hospital, Guhla and informed the incident to his family. His wife was declared brought dead by the Doctor and the accident was caused by unknown person. After recording the statement, the aforesaid FIR was registered under Sections 279/304-A IPC. Thereafter the petitioner who is father of the deceased Sagardeep Kaur, gave a complaint to the Superintendent of Police, Kaithal for conducting an inquiry regarding the manner and cause of death of his daughter Sagardeep Kaur. In the complaint, it is stated that a few days back before the date of her death, the younger daughter of the petitioner had read some obscene messages in the mobile phone of Satnam Singh, which were sent to Mrs. Poonam Singh, the Principal of the DAV School. The said messages were read by his daughter when she had gone on school trip to Shimla, therefore, the petitioner raised a suspicion and requested that the call details and message details for the last six months of Satnam Singh and the Principal be verified and a complete inquiry be conducted. Again a similar complaint was made on 14.12.2016 that on 23.11.2016 when the deceased had gone for practice at Stadium, she was on her own Activa Scooter and the offending vehicle came from wrong side, struck her and fled away after leaving her dead at the spot and it was requested that an inquiry be conducted in the case.

During the investigation, the petitioner recorded a similar statement made on 14.12.2016 before the DSP, Guhla. Thereafter the police submitted a report on 26.12.2016 based on the statement made by Satnam

Singh and the matter remained under investigation.

The DSP, Guhla vide its enquiry report dated 31.12.2016 held that he has conducted investigation and joined the petitioner Sukhsagar Singh in the investigation and found that there is no evidence to support the allegations levelled by the petitioner against Satnam Singh and recommended that the inquiry be filed.

Reply by way of affidavit dated 16.9.2017 of Superintendent of Police, Kaithal is on record wherein it is stated that on the basis of inquiry conducted by the DSP, Guhla dated 23.11.2016, it is found that after the incident, the deceased Sagardeep Kaur was firstly shifted to Mahavir Nursing Home, Cheeka with a history of sustaining injuries by falling from a scooty and within a short span she was shifted to another hospital i.e Mittal Nursing Maternity Home, Cheeka where she was declared brought dead and similar history was disclosed by the relative of the deceased and it was found in the investigation of the DSP, Guhla that it was a case of road accident and the representation filed by the petitioner raising some aspersions regarding the death of his daughter against respondent Nos.6 & 7 were not found to be substantiated by any evidence.

It is further stated in the affidavit that the CCTV footage provided by the petitioner was not helpful as no person who has witnessed the occurrence has come forward and the CCTV footage did not give any clue of the incident. It is further stated in the affidavit that respondent No.6 Satnam Singh while lodging the FIR has concealed the genesis of incident and gave false information saying that some unknown vehicle had caused the death of Sagardeep Kaur, while she was walking whereas it was found that she met with an accident while driving a Scooty and in this regard

proceedings will be initiated against him accordance with law.

The affidavit of the DSP, Guhla is also on record and as per this affidavit, the DSP Kaithal was entrusted further investigation by the Superintendent of Police, Kaithal vide office order dated 15.7.2017 and in pursuance thereof, during the investigation, it was found that Sagardeep Kaur had met with an accident while riding a scooty but it is not clear whether she sustained injuries by falling from the scooty herself or by rash and negligent act of another vehicle as no clinching evidence in this regard could be found. With regard to CCTV footage also, it was found that the same is not helpful and no person has come forward, who had witnessed the accident, therefore on 04.7.2018, the SHO, P.S Cheeka prepared an untraced report.

Learned counsel for the petitioner submitted that since the inquiry is being conducted by the local police, the matter may be referred to some other independent agency so as to bring the truth on record.

Learned counsel appearing for respondent No.6 has argued that the police submitted a report under Section 182 IPC against respondent No.6 and in that proceedings, the court of Chief Judicial Magistrate, Kaithal after conducting full length trial has acquitted him thereby dismissing the calendra. A certified copy of the judgment dated 20.9.2018 is placed on record and the same is taken on record as Mark X.

After hearing learned counsel for the parties and perusing the paper book, I find no ground to direct any further investigation in this case as 2 Gazetted Officers i.e DSP Guhla and the DSP, Kaithal have already conducted independent inquiries and after recording the statements of the complainant as well as respondent No.6 against whom the petitioner has

raised a doubt and also after going through the CCTV footage have given a finding that it is a case of accident in which Sagardeep Kaur sustained fatal injuries and died, therefore, I find no ground to issue any further directions for investigation of the case.

Dismissed. However, it will be open for the petitioner to file a complaint, if so advised, before the competent court of law.

January 25, 2019  
manoj

(ARVIND SINGH SANGWAN)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No