

CRM-M-29820-2017

Date of Decision:30.01.2019

BIRMATI

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

Mr. Amit Kumar, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of direction for fair investigation in FIR No.195 dated 02.05.2017 registered under Sections 323, 34, 506 and 302 IPC at Police Station Sampla, District Rohtak.

No one appeared on behalf of the petitioner on the last two dates of hearing.

Reply, by way of affidavit of Vijay Singh, Deputy Superintendent of Police (Crime) Rohtak, is placed on record and as per which, during the police investigation, it was found that Sushil @ Sheelu along with Bijender and Narender were doing labour work and Bijender used to transport the fodder on Tata Ace No. HR-46C-0883. On 26.04.2017. Sushil @ Sheelu along with aforesaid persons had gone on work and on 27.04.2017, the complainant received an information that his brother Sushil @ Sheelu is admitted in medical college and the complainant alleged that

the above said persons have caused injuries to his brother who have died on 03.05.2017 and Section 302 IPC was added in this case. It is further stated that after recording the statement of witness Balkishan @ Bale, accused persons, namely Bijender, Narender and Kapil were joined in investigation and they were interrogated in the presence of higher officers two times in Crime Branch and on the basis of the secret investigation, it was found that injuries sustained by deceased Sushil @ Sheelu were due to road side accident. Further, polygraph test of the accused was got conducted by the order of the Judicial Magistrate, 1st Class, Rohtak in F.S.L. Madhuban on 12.09.2017.

Learned State counsel, on instructions from ASI-Ashwani, has submitted that now police has finally prepared an un-traced report on 27.08.2018 and the same will be submitted before the Illaqa Magistrate within a period of one month.

In view of the same, this petition is disposed of.

However, liberty is granted to the petitioner to file a complaint/protest petition before the trial Court as and when un-traced report is submitted before the Illaqa Magistrate.

(ARVIND SINGH SANGWAN)

JUDGE

January 30, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No