

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

Sr. No.243

**CRM-M-35741 of 2016
DECIDED ON: February 11, 2019**

RAJINDER CHOUDHARY

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

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

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the wife of one Hawaldar Rattan Lal, who was found hanging from a tree on 06.12.2015. Said Hawaldar Rattan Lal was serving in the Indian Army and his unit personnel found his body hanging from a tree on 06.12.2015. The brother of the deceased was informed who reached the spot. In his presence, the dead body was lowered from the tree. Proceedings under Section 174 Cr.P.C. were conducted and viscera was sent for chemical examination. Nothing was detected in the viscera and according to the postmortem report, the opinion of the doctor was that the death was occurred due to asphyxia on account of hanging. The

CRM-M-35741 of 2016

proceedings under Section 174 Cr.P.C. were concluded and the report was sent to the concerned Sub Divisional Judicial Magistrate who accepted the same.

The petitioner, being aggrieved by the closure of the inquiry, she submitted a complaint dated 21.12.2015 (P-4) to the Senior Superintendent of Police, Gurdaspur. Thereupon, investigation was marked to Deputy Superintendent of Police (Investigation), Gurdaspur, who conducted a detailed inquiry as is evident from his report dated 23.04.2016. After examining a large number of witnesses, the Investigating Officer concluded that nobody could be blamed for the death of Hawaldar Rattan Lal and that no further action was required to be taken. It is however, opined that any further action, if at all, be taken upon receipt of the viscera report. As has already been observed earlier, the viscera report came in the negative and thus, the police did not take any further action.

Learned counsel for the petitioner submits that the husband of the petitioner was in good medical condition and did not have any enemies. He was also not suffering from any kind of stress and thus, there was no reason for him to have committed suicide. The death has taken place under suspicious circumstances and the matter requires to be investigated further by a Special Investigation Team.

The investigation report dated 23.04.2016 (P-2) shows that the police has conducted a detailed inquiry but has not found anything suspicious. If there were no circumstances for Hawaldar Rattan Lal to commit suicide, equally, no circumstances have come to the fore to conclude that his death was a case of murder. The chemical examination of the viscera of Hawaldar Rattan Lal also does not disclose any foul play.

CRM-M-35741 of 2016

Thus, no further action can be taken on the complaint of the petitioner just because she does not feel satisfied with the enquiry.

In view of above, no further action is called for and present petition is dismissed.

February 11, 2019
Ankur

(SUDHIR MITTAL)
JUDGE

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