

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

**Crl. Misc. No. M-37719 of 2013 (O&M)
Date of Decision: July 17, 2019**

Piara Singh

.....PETITIONER

VERSUS

State of Punjab and others

.....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Upender Prasher, Advocate
for the petitioner.

Mr. Arpinder Singh Sidhu, D.A.G., Punjab
for respondents No. 1 to 5.

Mr. B.S.Jaswal, Advocate
for respondents No. 6 to 12.

SURINDER GUPTA, J.(Oral)

Heard.

Piara Singh father of Harpreet Singh (deceased) has filed this petition for calling report from Senior Superintendent of Police, Amritsar Rural, for not registering any FIR for the death of his son despite his representations (Annexures P-3 to P-5).

On receipt of information on 04.10.2013 early morning that a dead body is lying on *Pucca* road near Petrol Pump Tarsika, a police party headed by ASI Amrik Singh arrived at the spot. The deceased was identified as Harpreet Singh son of petitioner. On conducting search of the dead body, 90 intoxicating capsules were found from the clothes of the deceased.

habitual of consuming intoxicating medicines and capsules. Prima facie, it appeared that death was caused due to consumption of heavy dose of drugs. The dead body was sent for post mortem and in the post mortem report no mark of injury or strangulation was found on the dead body. The doctor kept his opinion regarding cause of death of deceased pending till the receipt of chemical report of Viscera which had been sent to the Chemical Examiner.

Learned counsel for the petitioner has argued that son of petitioner had been murdered by respondents No.6 to 12. Respondent No.10 had been misguiding his son and was harassing and humiliating him in order to grab his land. At their instance, he started quarreling with the petitioner and started living at village Dulka, which is the village of his in-laws family. The respondents have tried to take forcible possession of the property of deceased for which a criminal case was registered at Police Station, Tarsika. The petitioner had also filed a civil suit against them. All these private respondents under a conspiracy killed Harpreet Singh.

In its reply filed by the State, it has been stated that the matter was duly enquired. After recovery of dead body, proceedings under Section 174 Cr.P.C. were carried out in the presence of petitioner and the primary cause of death of deceased was revealed as consumption of heavy dose of drugs. The police also recorded statements of various persons to ascertain the circumstances leading to the death of Harpreet Singh and result of enquiry has been mentioned in paras 7 and 8 of the reply filed by the State, which is reproduced as follows:-

7. That on the statement of all the witnesses, especially wife of the deceased and his brother-in-law, it is found that marriage of the deceased Harpreet Singh was solemnized

about 6 years ago with Baljit Kaur of village Phoolka, it is further found that petitioner Piara Singh has not given any share of the land to the deceased and accordingly a dispute arose between them. After the intervention of the village panchayat, the petitioner Piara Singh agreed to give some share of the land to the deceased Harpreet Singh. Accordingly Harpreet Singh had cultivated the said share of the land. However, subsequently, the petitioner Piara Singh backed out from the compromise and got a criminal case registered against the deceased and other persons i.e. FIR No. 76 dated 02.09.2012 under Section 447, 506, 148/149 IPC due to the said occurrence. Thereafter the deceased started taking drugs, intoxicating medicines and gradually he used to take heavy dose of drugs. It is further transpired that the deceased Harpreet Singh had taken heavy dose of drugs and intoxicating medicines in the evening of 03.10.2013 and he fell on the road and the passer by and the witnesses of the spot have revealed that on account of drugs intake, the deceased was lying on the road and died thereafter due to heavy dose of intoxication and there is no fault of any person.

- 8. That even the village Panchayat members and the Sarpanch have categorically stated that there was a dispute between the petitioner and the deceased due to which, deceased and his wife had separated from them and started living at village Phoolka. It has also transpired in the statement of respectable persons of village that deceased Harpreet Singh was a drug addict and used to take heavy dose of the intoxicating medicines and on 03.10.2013 he had taken heavy dose and could not bear the effect of intoxication and died.*

During the course of arguments, this fact has not been disputed

that there was no sign of injury on the person of dead body of the

deceased. In viscera report, no poison was detected. The death of deceased Harpreet Singh was not due to causing of any injury, strangulation or administration of some poison. In his first representation, petitioner has alleged that he came to know from reliable resources that before his death his son was with Jagir Singh and others, whose names were mentioned in the representation. In his second representation, though he again named seven persons as accused but four persons mentioned in the earlier representation were not named and names of four new persons were introduced.

From the reply submitted by the State it is apparent that the matter was enquired in detail and the police did not find the death of Harpreet Singh to be a case of murder rather it was found to be a case of death due to excessive consumption of intoxicants. It is also apparent that petitioner had earlier got registered an FIR against Harpreet Singh and other persons named in the representation as Jagir Singh, Kulwant Singh, Harjinder Singh and Tarsem Singh for taking possession of his land, who were lateron acquitted vide judgment dated 21.02.2015 by the learned Judicial Magistrate Ist Class, Batala.

In view of the above facts and circumstances and result of enquiry conducted by the police, I find no reason to pass any order directing Senior Superintendent of Police, Amritsar Rural to register FIR in this case.

This petition has no merits.

Dismissed.

It is however made clear that nothing observed in this petition shall be treated as opinion on the merits, in the event of the petitioner

availing any other legal remedies, grievances as put forth in the representations filed by him.

July 17, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>