

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-45691-2017 (O&M)

Reserved on: 10.1.2019

Date of Decision:- 17.1.2019

Jas Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Ms. Aditi Girdhar, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Jas Ram has approached this Court seeking issuance of a direction to respondent No.2-Director General of Police, Haryana to handover investigation of case arising out of FIR No. 508, dated 28.11.2015, registered at Police Station Rania, District Sirsa, under Section 346 IPC to CBI or to some other independent agency so as to find out the truth in respect of murder of Jaipal, brother of the petitioner.
2. The FIR was lodged at the instance of petitioner-Jas Ram, a brief translated gist of which reads as follows:

“My uncle’s son Jaipal had gone to village Ottu, Tehsil Rania, District Sirsa to attend marriage of son of Kaali Singh. The

baarat went from Village Ottu to Ratta Khera, Tehsil Ellanabad, District Sirsa on 26.11.2015 and departed at about 6 PM. At about 6.30 PM. their vehicle as well as the bridegroom's vehicle stopped to perform the 'Nariyal Bandhana' ceremony as per traditions. Till that time Jaipal was present there and Umed Singh Rathore Ex-Sarpanch was accompanying him. However, Umed Singh Rathore left towards bus stand in order to go to Sirsa. Around that time the driver of the vehicle in which Jaipal and Umed Singh Rathore had been travelling came there and asked about whereabouts of Jaipal. Umed Singh Rathore told that he was very much around. The relatives searched for Jaipal but he could not be traced. His mobile No.99288-87166 was found to be switched off. It is requested that a "missing report" be lodged and in case any information regarding his whereabouts is collected, the same be furnished to us.

Sd/-
Jas Ram
Dt. 27.11.2015"

3. The matter was investigated by the police. The dead body of Jaipal was floating in water tank constructed under Ottu head bridge on 29.11.2015. Post mortem examination was conducted at Civil Hospital, Sirsa on 30.11.2015 which revealed that the deceased had sustained four injuries on his body. However, the opinion regarding cause of death was not furnished therein and was deferred to await the report of the chemical examiner.
4. It is the case of the petitioner that on 1.12.2015 after the post mortem examination had been conducted he submitted an application to SHO Rania alleging therein that Jaipal had been murdered by Bhoop Singh, Hanuman Singh, Narender Singh, Sudhir and Vikram Singh in

connivance with Umed Singh and Panne Singh but the police instead of taking action against them is trying to shield them.

5. Upon notice having been issued, the State has filed its reply wherein it has been stated that upon receipt of complaint dated 1.12.2015 against Bhoop Singh, Hanuman Singh, Narender Singh, Sudhir, Vikram Singh, Umed Singh and Panne Singh the matter was inquired into and call details of the suspected persons including those of Umed Singh Rathore Ex-Sarpanch were collected and a CD of the movie of the marriage was also taken into possession and several other persons who had participated in the marriage were joined in investigation but nothing incriminating surfaced against the suspected persons.
6. It is further stated in the reply that investigation was conducted not only by the Investigating Officer but by the then SHO and by DSP, Ellenabad, District Sirsa and upon completion of investigation it was concluded that in the marriage Jaipal had consumed liquor and at the time of performance of 'Nariyal Bandhana' ceremony he fell into the canal and died due to drowning.
7. The Viscera report as received from FSL is to the following effect:

“As per report from Chemical Examiner, Haryana, contents of the Exhibit gave positive test for ethyl alcohol. Ethly Alcohol estimated as 92.0 mg%. Hence in our opinion cause of death in this case is asphyxia due to drowning under the influence of alcohol. Drowning was ante-mortem in nature and was sufficient to cause death in ordinary course of nature.”

8. The aforesaid facts suggest that the police has been taking all the necessary steps to investigate the matter and has collected medical evidence which is suggestive of a case of drowning. It is also worthwhile to mention that the petitioner had earlier also filed a petition seeking identical relief i.e. CRM-M-4421-2016 which was disposed of by this Court vide order dated 16.11.2017 by passing the following order:

“After arguing at length for some time faced with the likely consequences, learned counsel for the petitioner on instructions from his client wishes to withdraw the present petition, however, reserving rights of the petitioner to file a fresh one on the same very grounds after making necessary amendments.

Allowed to do so.

The petition stands dismissed as withdrawn with liberty aforesaid.”

9. In view of the discussion made above, this Court does not find any special case for ordering the transfer of the case to CBI or to any other investigating agency.
10. The petition is sans any merit and is dismissed.

January 17, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No