

203

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-8642 of 2015

Date of Decision: January 09, 2019

Jagdish Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Balraj Gujjar, Advocate
for the petitioner

Mr. Luvinder Sofat, AAG Punjab

Mr. Pankaj Sharma, Advocate
for respondents No. 2 to 4

Sudhir Mittal, J. (Oral)

The son of the petitioner namely Rajinder Singh has died. Allegedly, on the night intervening 11/12.02.2014, he was called by one Gurpreet Kaur @ Deedu residing in the neighbourhood to her roof top and thereafter, he went missing. On 13.02.2014, a missing person report was lodged with the police. On the statement of the petitioner, FIR No. 20 dated 18.12.2014 was registered under Sections 363, 120-B IPC. In his statement to the police, the petitioner named Gurpreet Kaur and number of her family members as the accused persons responsible for kidnapping and eliminating his son. The dead body was found by police floating in Bhakra canal on 27.02.2014. Postmortem was conducted and viscera was sent for chemical examination. Vide report dated 11.10.2014, Board of doctors opined that the death was due to drowning as no external injuries were found on the body and no poison was detected in the viscera. Meanwhile, the police conducted its investigation and challaned Gurpreet Kaur, her brother Baljinder Singh @ Vicky and her cousin Sukhchain Singh vide challan dated 08.04.2014 and

Section 306 IPC was added. The other persons named in the FIR were kept in column No. 2. The trial Court framed a charge under Section 306 IPC vide its order dated 14.05.2014 and the trial commenced. An application under Section 319 Cr.P.C. for summoning the other persons as co-accused was rejected vide order dated 20.08.2014. This order has attained finality. Thereafter, the present petition dated 12.03.2015 has been filed for transfer of investigation to an independent agency.

Pursuant to directions issued by this Court, the police has submitted status reports from time to time.

Learned counsel for the petitioner submits that from the bail petition filed by Sukhchain Singh (accused person) it is apparent that mother of Gurpreet Kaur was also present when son of the petitioner was found with Gurpreet Kaur. Yet, the mother has been declared innocent by the police. Reliance is also placed upon paras 4 and 5 of status report dated 10.08.2017 submitted by Sandeep Kaur PPS, Deputy Superintendent of Police, Rupnagar, to submit that upon further investigation by a senior officer, it has been found that the investigation was shoddy. The telephone recovered from the pocket of the deceased was not forensically examined. Thus, it is submitted that the investigation in this case is biased in favour of the accused persons and the case be got investigated by an independent agency.

Learned State counsel as well as counsel for the accused persons submit that upon directions issued by this Court further investigation has been got conducted by the Deputy Superintendent of Police, Rupnagar. Two status reports have been submitted in this Court. Both the reports confirm the initial investigation conducted by the police though some deficiencies in the initial investigation have been pointed out. The final conclusion of the investigating agency is that son of the

apparently threatened by her brother and cousin. The bail petition filed by the accused Sukhchain Singh is of no use to the petitioner as it only states that the mother of Gurpreet Kaur found son of the petitioner and Gurpreet Kaur on the roof top and that she took Gurpreet Kaur from there. No material has been brought on record and even no argument has been raised by learned counsel for the petitioner to create a doubt about further investigation conducted by the police and, thus, the petition deserves to be dismissed.

Having heard learned counsel for the petitioner and having gone through the record, I am of the view that the petition merits dismissal. Under the directions of this Court, senior police official has conducted further investigation. It has not found anything of substance which may support the case of the petitioner. Further, the charge under Section 306 IPC was framed way back on 14.05.2014 and it has not been challenged till date. Even dismissal of the application under Section 319 Cr.P.C. vide order dated 20.08.2014 has remained unchallenged. Thus, it is apparent that the petitioner is fishing in troubled water. He is, thus, not entitled to any relief.

For the reasons aforementioned, the petition is dismissed.

January 09, 2019

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No