

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

CRM-M-11210-2016(O&M)
Date of decision:-22.1.2020

Saggir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE H.S. MADAAN

Present : Mr.Shiva Khurmi, Advocate
for the petitioner.

Ms.Harpreet Kaur, AAG, Haryana.

H.S. MADAAN, J.(ORAL)

One Mustaffa had died an unnatural death, regarding which FIR No.47 dated 30.1.2016 for the offences under Sections 302 read with Section 34 IPC was registered with Police Srtation Punhana, District Mewat. However, on completion of investigation, the police had filed challan for the offences under Sections 279 and 304-A IPC only, leaving the complainant aggrieved, who has approached this Court by way of filing the present petition under Section 482 Cr.P.C. for issuance of direction to respondent No.2 – Director General of Police, Haryana, Panchkula to decide the representation moved by him and to get the

matter further investigated from some independent agency.

Notice of the petition was issued to the respondents, who put in appearance through State counsel.

I have heard learned counsel for the parties besides going through the record.

The version of the official respondents is that since as a result of investigation, it was found to be case of road side accident and not of culpable homicide amounting to murder, therefore only accused Mustaq has been sent up to face trial for the offences under Sections 279 and 304-A IPC.

As the things stand, if the complainant is of the view that the deceased had been murdered and sufficient evidence comes before the trial Magistrate in that regard, the Magistrate may take recourse to commit the case to the Court of Sessions and if involvement of other persons in the incident is found out, then those persons can be summoned as additional accused exercising powers under Section 319 Cr.P.C.

The petitioner is relegated to that remedy while disposing of the present petition.

The petition stands disposed of accordingly.

It has been pointed out by learned counsel for the petitioner that despite the fact that this Court vide order dated 29.11.2016 had directed that further proceedings before the trial Court shall remain stayed, this order has not been complied with and the trial Magistrate proceeded with the case framing formal charge against the accused and fixing the case for prosecution evidence.

This is a serious matter. Let report/explanation from the Presiding Officer of the concerned Court stated to be Ms.Ritu Yadav, JMIC, Mobile Court, Pinangwan be obtained in that regard through her District & Sessions Judge. The officer be directed to submit the explanation/report within three weeks, which be then placed before the Bench.

(H.S.MADAAN)
JUDGE

22.1.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No