

125.

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

CRM-M-9867-2020 (O&M)

Date of decision: 26.03.2021.

VEDPAL

... Petitioner

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Prince Goyal, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 482 Cr.P.C. is for issuance of direction to the respondent-State to constitute a Special Investigation Team of an officer at the level of Superintendent of Police or in the alternative for ordering CBI investigation in FIR No.21 dated 23.01.2020 under Section 346 IPC, Police Station Nangal Choudhary, District Mahendergarh.

As per the FIR, Sonu Devi, wife of the present petitioner, aged about 28 years, had gone somewhere without informing at home and had not returned, therefore, he filed a missing report. The petitioner-complainant suspected that Lokesh son of Rohtash of Village Bhungarka has taken away his wife somewhere and might have kept her at some unknown place.

Lokesh had given a mobile phone to his wife about 10 days before registration of FIR but later on, he (Lokesh) felt sorry for the same. But even thereafter, he kept coming to the house of the complainant in his absence and kept on alluring his wife. As the wife of the petitioner could not be traced despite his best efforts, on his complaint, the police registered the FIR under Section 346 IPC. When the police was unable to trace the wife of the petitioner within a day or two, the petitioner started making discreet enquiries about her disappearance. On 31.01.2020, dead body of the deceased Sonu was recovered, as the same was found floating in the village pond and from the dead body, it was quite clear that drowning was hardly a day or two old. Photographs of the dead body were taken on the same day. After the recovery of dead body, the police added Sections 302, 365, 376D IPC in addition to Section 346 IPC.

Considering the nature of allegations and prayer made in this petition, on 02.03.2021, this Court has passed the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Pursuant to the order dated 01.03.2021, Mr. Chander Mohan, I.P.S., Superintendent of Police, Narnaul, is present through video conferencing.

On the last date of hearing, it was submitted by learned counsel for the petitioner that SIT constituted in the present case is now headed by the same police officer (IPS officer) who happened to be the Superintendent of Police at Narnaul at the time when the present incident had taken place and FIR was registered. He apprehends that investigation may not be fair and transparent in the case, unless another IPS officer is appointed to head such SIT.

I have heard counsel for the petitioner, State counsel as

well as Superintendent of Police, Narnaul.

Since the complainant has shown apprehension that there may not be a fair investigation under the supervision of the present head of SIT, as the officer heading the SIT is none else but the same officer who was Superintendent of Police at Narnaul at the relevant time when the incident had taken place, this Court deems it appropriate that some other IPS officer be appointed to head such SIT.

Therefore, taking into consideration the nature of controversy involved in this case where a lady has died and the apprehension shown by the petitioner and the allegations made therein, this Court deems it appropriate to transfer the investigation of present case to a SIT within Rohtak range.

The DGP (Crime) is requested to depute some IPS Officer who would head such SIT.

Further, at this stage, learned State counsel submits that he has been instructed by the Director, FSL that in all probabilities, DNA, PCR kits are to become available by 15.03.2021 and there is a possibility that report may be received in the case within 10 days thereafter.

Adjourned to 26.03.2021.”

Learned State counsel has produced the order dated 12.03.2021 passed by the Director General of Police, Crime, Haryana, to the effect that a Special Investigation Team headed by Shri Shiv Charan, IPS, DIG-cum-SP, State Crime Branch, Hisar, has been constituted, for further investigation of FIR No.21, dated 23.01.2020. He has further submitted that investigation in the present case was required to be transferred to a SIT within Rohtak range, but there being no IPS officer in Rohtak Crime Branch, the Director General of Police (Crime) has entrusted the investigation to Crime Branch, Hisar, which is being headed by the IPS officer in the rank of DIG.

Noticing the fact that Director General of Police, Crime, Haryana, has constituted a SIT, headed by Shri Shiv Charan, IPS, DIG-cum-SP, State Crime Branch, Hisar, vide order dated 12.03.2021, the present petition is disposed of at this stage with a direction to the SIT so constituted in the matter to conduct fair investigation and to conclude such investigation in a reasonable time frame.

Since the matter is entrusted for investigation to SIT and the matter is under investigation, the documents furnished by the State counsel are ordered to be returned to him, but the order dated 12.03.2021 issued by Director General of Police, Crime, Haryana, be retained on the office record.

(HARI PAL VERMA)
JUDGE

26.03.2021
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.