

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

CRM-M No.2471 of 2019

Date of decision: 27.07.2022

Saroj

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Vijay Kumar Sheoran, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, Asstt. A.G., Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure for seeking issuance of appropriate directions to the official respondents to take all necessary steps to investigate the matter pertaining to demise of son of the petitioner.

Reply by way of affidavit of Ranbir Singh, H.P.S., Deputy Superintendent of Police, Headquarters, Jhajjar, District Jhajjar dated 29.03.2019 had been filed, the relevant extract thereof reads thus:-

“2. That the facts forming the genesis of registration of FIR No.90 dated 21.03.2018 registered at Police Station Salhawas for commission of offences punishable under Sections 279/304A of IPC are that, after having received the information regarding the death of Ajit, his nephew, complainant Mahabir Singh had come present and moved a written application to Incharge Police Post Sasrolis to the

effect that the deceased was his sister's son and was married having two daughters. It was contended that after having received information regarding the presence of dead body of said Amit in the area of Jhamri Turn, Jharli Market, he had come present with the family of Amit to the spot and had seen the dead body and was assured that the death of the deceased had taken place on account of having been hit by an unknown vehicle. Investigations were taken up in the matter post registration of the FIR.

3. *That on the basis of representation made by the family of the petitioner, the then Superintendent of Police, Jhajjar had transferred the investigation of the case to Incharge, CIA Staff, Jhajjar. The matter had been investigated at length, however, no clue was found with regards to the offending vehicle and accordingly the untrace report dated 29.01.2019 has been prepared in the matter under due intimation to the complainant.*
4. *That in the present petition, the petitioner has contended that involvement of the respondents No.5 to 8 and has further contended that her son had been murdered by them. It is submitted that the local police has joined the respondents No.5 to 8 in the investigation of the case. It transpired that they had consumed liquor on 20.03.2018 in the company of the deceased. However, nothing could surface on record to indicate their culpability in any act of murder of the deceased. As per the investigations conducted, the death of the deceased was result of injuries suffered by him, having been hit by a vehicle.”*

As per the said status report, the suspects nominated by the petitioner were duly joined in the investigation and their culpability in the commission of the offence could not be ascertained.

A supplementary status report by Ranbir Singh, HPS, Deputy Superintendent of Police, Headquarters, District Jhajjar dated 30.01.2020 had also been filed wherein it was informed that pursuant to the order passed by the Superintendent of Police, Jhajjar dated 10.09.2019, the matter was taken up for further investigation and the suspects were rejoined in investigation for 14.09.2019. Thereafter, the suspects were also produced before the Magistrate and they accorded their consent to undergo the polygraph test.

Pursuant to the consent so recorded and the order passed by the Competent Authority, the polygraph test of the respondents was conducted.

Status report by way of affidavit of Naresh Kumar, HPS, Deputy Superintendent of Police, Jhajjar, District Jhajjar dated 10.02.2021 was filed wherein it was pointed out that the suspects were examined by the forensic expert on 05.10.2020 and it was opined by the forensic expert that the responses of the suspects were truthful. The relevant extract of the said status report reads thus:-

- “7. That the suspects were examined by the forensic expert on 05.10.2020 and a detailed report of polygraph examination was received thereafter on 20.10.2020 at the office of the Superintendent of Police, Jhajjar.*
- 8. That the report is being appended to along with the present status report as Annexure R-1.*
- 9. That upon forensic analysis of the responses given by the suspects, it was opined by the forensic expert that the responses were truthful. Thus nothing incriminating has surfaced on record qua the suspects to indicate the*

culpability of the suspects in the crime, however, the matter is still under investigation.”

In view of the above and considering that the suspects have not been found involved, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to take recourse to the remedies available to the petitioner in accordance with law.

Dismissed as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

27.07.2022

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*