

**(227) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-9065-2019

Date of decision : 17.11.2022

AMIT

... Petitioner

Versus

STATE OF HARYANA & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Neeraj Poswal, Asst. A.G., Haryana.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for seeking directions to take appropriate action against the accused against whom the petitioner has got registered an FIR No.212 dated 27.03.2018 registered under Sections 302, 34 IPC at Police Station Sadar Palwal. A number of other additional/alternative prayers have also been made.

2. Mr. Deepak Goyal, Advocate has put in appearance on behalf of the petitioner and has filed his power of attorney. The same is taken on record.

3. The brief facts of the present case are that the petitioner was a complainant in aforesaid FIR no.212 dated 27.03.2018. As per the contents of the FIR, his brother Davinder son of Amar Chand who was serving in the Army had come on leave in November. On the intervening night of 26/27.03.2018, the deceased Davinder left the house and his body was found in the morning. He suspected 4/5 boys namely, Sundar son of Dharampal, Sundar son of Giri Raj @ Lala, Manchal @ Nepal son

of Net Ram and Ranbir son of Tek Ram. Pursuant to the registration of the FIR, the complainant/petitioner Amit approached the Investigating Agency for proper investigation into the case, which as per him did not investigate the matter properly nor were the accused duly named in the FIR arrested. On account of the inaction on the part of the Police, he moved a representation to the Superintendent of Police, Palwal on 16.10.2018 (Annexure P-2), praying that action should be taken against the accused, who were threatening him with dire consequences. Despite having moved the application no action was taken by the Investigating Agency leading to the filing of the present petition.

4. The learned counsel for the petitioner has reiterated the averments made in the petition and contends that appropriate action ought to have been taken by the Investigating Agency against the persons named in the FIR.

5. The learned counsel for the State has referred to the reply dated 28.06.2019 of Dr. Hitesh Yadav, HPS, Deputy Superintendent of Police, Palwal which is already on record. He contends that on 27.03.2018, the dead body was found lying near DRP School. The police reached the spot where 20-30 persons were found present and an inquiry was held. Subsequently, the FIR came to be registered at the instance of the petitioner. Pursuant to the registration of the FIR, the matter was investigated by ASI Rajbir and the statements of a number of persons were recorded. Proceedings under Section 174 Cr.P.C. were also initiated and the post-mortem report was obtained. During the course of investigation, a number of respectable persons from the village joined the investigation and stated that Sundar son of Dharampal, Sundar son of

Giri Raj @ Lala, Manchal @ Nepal son of Net Ram and Ranbir son of Tek Ram were friends of the deceased Davinder. They used to take liquor together and did not have any dispute amongst themselves. On the day of occurrence, the aforementioned persons had taken liquor along with the deceased and thereafter went to their respective houses. Davinder later on went outside his house on a motorcycle towards Palwal in an intoxicated condition and met with an accident and subsequently died. The four boys named in the FIR were in fact innocent.

6. Based on the aforementioned statements and the investigation conducted, the named persons were found innocent and an attempt was made to trace the real culprits. But neither the cause of death nor any clue of the same could be found. It was only thereafter that an untraced report was prepared on 07.02.2019. If any information was obtained in the future, appropriate action would be taken accordingly.

7. I have heard the learned counsel for the parties at length.

8. As per the detailed investigation conducted by the Investigating Agency the statements of a number of persons as set out in Para 3 of the State reply were recorded who have categorically stated that the persons named in the FIR were closed friends of the deceased. In fact, they had all consumed liquor together pursuant to which the deceased had suffered an accident on account of his intoxicated condition. It was in such an eventuality that the untraced report was filed.

9. In view of the above, nothing survives in the present petition and the same is therefore disposed of.

10. However, the petitioner-complainant is at liberty to avail his alternative remedies in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

17.11.2022
JITESH

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