

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

**CRM-M No. 11842 of 2022
Date of Decision: 21.03.2022**

Dheeraj Chokker and another

..... Petitioners

Versus

State of Haryana and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Pawan Kumar Hooda, Advocate
for the petitioners.

Mr. Pradeep Prakash Chahar, Deputy Advocate General, Haryana

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No. 874 of 22.12.2021, registered at Police Station Samalkha, District Panipat, offences constituted under Sections 302, 34, 452 of the IPC, and, under Sections 25/54/59 of the Arms Act, are embodied.

2. A reading of the FIR, appended with the petition, as, Annexure P-1, reveals that the informant is not an ocular witness rather he has reported to the police at the police station concerned, rather a version based on a disclosure made to him, by one Pardeep. The statement of Pardeep, who informed the informant of the FIR (supra), is, however not on record.

3. Be that as it may, the mother of the deceased one Neeraj, who is alleged to be put to death, by the assailants concerned, moved on 25.12.2021, hence subsequent to the occurrence happening on 22.12.2021, at the crime site, hence a representation to the Station House Officer concerned. The apposite representation reveals that she was an ocular witness to the relevant occurrence, and, that she had witnessed at the relevant crime site, the incriminatory presence of the accused persons named

4. The learned counsel for the petitioners argues, that despite the mother of the deceased naming the accused, in a representation, appended with the petition as Annexure P-3, hence as incriminatory participants, in the relevant penal occurrence, yet the investigations, as, are underway into the FIR, are being conducted in an unfair manner, inasmuch as the IO concerned, is not arresting all the accused concerned.

5. The afore made argument, before this Court, would hold validity, in case, as a matter of fact the IO concerned, had for no valid and sound reasons, excluded from consideration Annexure P-3, and, or had without making any objective analysis of the statement, made by one Pardeep, wherein he too assigns an incriminatory role to the accused persons, named in Annexure P-3, rather had untenably exonerated them.

6. However, since, the learned State Counsel, on instructions, meted to him, by SI Inder Kumar, submits that the Additional Superintendent of Police, one Pooja Vashisth, after making inquiries into Annexure P-3, had, after ascertaining the call locations from the cell phone of one Jony, and, of one Sahil, rather had discovered that both above persons were not at the crime site, inasmuch as, respectively one Jony was at home, and Sahil was found working in the factory concerned, thereupon hence she proceeded to exonerate the guilt of the afore named persons, by the mother of the deceased. Moreover, since the learned State Counsel submits, that all the accused persons, excepting the afore have been arrested, by the IO concerned, and, thereafter, he has proceeded to draw an affirmative report under Section 173 of the Cr.P.C., against the arrested persons. Consequently, this Court does not find any merit in the afore made

contention reared before this Court by the learned counsel for the petitioners.

7. Even otherwise, if the exoneration by the SP concerned, qua the incriminatory participations of one Jony, and, one Sahil, hence is untenable, and, arises from no objective consideration, of the relevant material, thereupon, yet it is open for the complainant to, through the APP concerned, institute an application before the learned Committal Magistrate concerned, for seeking an order for further investigations, being directed qua the incriminatory participation in the relevant occurrence, even of one Jony and one Sahil.

8. With the afore made observations, the present petition is disposed of.

March 21, 2022

'dk kamra'

**(SURESHWAR THAKUR)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>