

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

113

CRM-M-12544-2022(O&M)

Date of Decision:20.07.2022

Raminderjit Kaur

.....Petitioner

Versus

State of Punjab and others

.....Respondents

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

Present: Ms. Rupinder Kaur Thind, Advocate,
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

VINOD S. BHARDWAJ , J.(Oral)

The prayer in the instant petition filed under Section 482 of the Code of Criminal Procedure (hereinafter referred to as 'Cr.P.C') is for issuance of direction to the respondents for conducting a proper and fair investigation in case FIR bearing No.266 dated 10.12.2021 under Sections 306/34 of the Indian Penal Code, registered at Police Station Kamboj, Amritsar (Rural) through an independent agency.

Learned counsel appearing on behalf of the petitioner has contended that husband of the petitioner, namely, Maninder Singh died after consuming poison on account of being harassed and humiliated by his father, brother and sister. An FIR in this regard was got registered by her pertaining to the incident that had taken place on 04.12.2021.

It is contended by learned counsel for the petitioner that the Investigating Agency is not carrying out a fair investigation and is actuated

by bias.

A status report by way of an affidavit of Balbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Attari, Amritsar (Rural) had already been filed on behalf of respondent Nos.1 to 3 and 6. The relevant extract of the same reads as under:-

“2. That the brief facts of the case are that on 10.12.2021, Sub-Inspector Shashpal Singh No. 1213/ASR-R was present at Police Station Kambo, Amritsar (Rural) and he received information through a telephone call from Corporate Hospital, Amritsar that Maninder Singh son of Jasbir Singh resident of village Bhaini Gillan had died due to consumption of some poisonous substance. Thereafter, he along with the Police party went to the Corporate Hospital, Amritsar and recorded the statement of the petitioner, who was a wife of the deceased Maninder Singh. She had alleged in her aforesaid statement that her brother-in-law Onkar Singh and father-in-law Jasbir Singh were not giving any share in the family land, or household expenses to her husband Maninder Singh and on 04.12.2021, Kamaljit Singh, son of maternal uncle of fiancé of Onkar Singh, had come to their house and raised a dispute with her husband that he (Maninder Singh) had sold two kanals of land from his share in the land and in the meantime her father-in-law Jasbir Singh also came there and entered into an altercation with her husband. She further stated that due to the anger and harassment caused by them, her husband consumed poisonous spray Kisan 550 to end his life and he was immediately rushed to the Corporate Hospital, Amritsar where died during the treatment. She further alleged that her sister-in-law (husband's sister) Rupinder Kaur wife of Harpinder Singh also used to torture her husband and her husband used to demand his share from his father and brother but they did not give his share to him, which resulted in commission of suicide by him by consuming poisonous substance. The

detailed facts mentioned in the aforesaid statement have been reproduced in the true translation of the FIR No.266 dated 10.12.2021 attached with the petition as Annexure P-1, which may kindly be read as a part of this paragraph please as same are not repeated for the sake of brevity.

3. *That after registration of the aforesaid FIR, the investigating officer visited the place of occurrence, prepared a rough site plan and took the dead body of the deceased in police possession and prepared his inquest report (Form No.25.35) and collected evidence found on the spot. He also took a poisonous medicine Kisan 500 in his possession from the spot of occurrence vide recovery memo dated 10.12.2021.*

4. *That the post mortem examination of the deceased Maninderjit Singh was conducted at Civil Hospital, Amritsar vide Post Mortem Report No.6766/MK/CHASR/DEC2021 dated 11.12.2021. The relevant findings of the post mortem examination report are detailed as under:-*

“General Description”

“Dead body of average built man wearing blue white pyjama, blue white shirt, black underwear, with eyes and mouth close, blueish purple discoloration of finger nails, lips, ear lobes is seen. OSM on right knee 2 X 1cm seen.

Opinion: *Cause of Death-Cause of Death is kept pending and will be declared after the receipt of report of chemical examination from chemical examiner, Kharar and HPE from GMC, Amritsar.*

Antemortem/Postmortem : NA

Nature of Weapon/Force : NA

How the injuries would be caused : NA
Probable Time

a. *Between Injury and Death : NA*

b. *Between death and postmortem examination : Within 26 hours*

5. *That the viscera report of Maninder Singh has been*

received from the office of the Chemical Examiner, Govt. of Punjab, Kharar. The relevant finding of the Chemical Examiner report has been reproduced for the kind perusal of this Hon'ble Court as under:-

Organophosphorus (Chlorpyrifos) compound detected in the contents of exhibits II, III & IV. No poison detected in the contents of Exhibit I.”

6. *That an application No.2661-AP dated 14.12.2021 (UID No.2212722) was filed by Gurmej Singh son of Bhag Singh resident of Bhaini Gillan, Amritsar in the office of the respondent No.3 for conducting an impartial investigation of the case and declare persons nominated in the case innocent by verifying the allegations of the petitioner. The investigation of the case was entrusted to the respondent No.5 being a Deputy Superintendent of Police (Detective) Amritsar (Rural) for verification of the alleged facts and submission of a detailed report by the respondent No.3 on the basis of the aforesaid application.*

7. *That the respondent No.5 submitted his detailed report No.57-5AP dated 02.01.2022 reporting therein the allegations made by the petitioner (complainant) did not prove and accused persons nominated in the case were found to be innocent and recommended for the cancellation of the FIR in question. The true translation of the investigation report is attached with the petition as Annexure P-3 which may kindly be read as the part of this paragraph please as same is not repeated for the sake of brevity.*

8. *That the findings of the aforesaid investigation report have been approved by the respondent No.3 by directing the Station House Officer, Police Station Kambo, Amritsar (Rural) to proceed further in accordance with the findings and recommendation made in the aforesaid investigation report dated 02.01.2022. Accordingly a Cancellation Report have been prepared by the Station House Officer, Police Station*

Kambo, Amritsar (Rural), which shall be submitted in the court of learned Court of Area Judicial Magistrate, Amritsar after compliance of the necessary formalities. The petitioner has a legal right to raise objections against the cancellation report before the court of learned Area Judicial Magistrate, Amritsar by way of filing a protest petition after submission of the cancellation report. The present petition has become infructuous on account of completion of the investigation of the case.

9. *That it is humbly submitted that the allegations made by the petitioner in the present petition against the Police officials regarding the biased investigation of the case are completely baseless and devoid of truth. The concerned Police officials have acted in discharge of their official duty while conducting investigation of the case strictly in accordance with the law and procedure without any bias, or ill-will.”*

A perusal of the same shows that the investigation has been conducted by a senior police official and there is no explanation/reason given by the petitioner as to why such officer would not conduct a fair investigation. There is no occasion for the Court to act on a presumption that the Investigating Agency or officials would not carry out their duty in accordance with law. It seems that not being satisfied with the investigation conducted by the Investigating Agency, the present petition has been filed with a view to pressurize the Investigating Agency/Investigating Officer to carry out the investigation in the manner as is desired by the petitioner.

A Court of law is not to stall investigation, rather, it is to ascertain whether the investigation conducted and concluded has been done fairly or not. In any way, once the concluded/final report is filed by the Investigating Agency before a competent court, the petitioner if not satisfied, shall have the efficacious and effective remedy of filing of her

objections/petition under Section 173(8) Cr.P.C. to seek redressal of her grievances to point out the deficiencies and discrepancies in the investigation, if any.

The present petition is, thus being devoid of any merit, is accordingly dismissed.

July 20, 2022
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No