

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

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**CRM-M-24986-2017
Date of decision: 26.07.2022**

GUNVANTI

.....Petitioner

VERSUS

STATE OF HARYANA & ORS

.....Respondents

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

Present:- Mr. Ravinder Malik, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking issuance of directions for holding a fair investigation in respect of alleged murder of husband of the petitioner and impugning the investigation conducted by the Investigating Agency in FIR No. 39 dated 25.02.2016 (Annexure P-2) registered under Sections 279/304-A of the Indian Penal Code, 1860 at Police Station Chandimandir, District Panchkula.

2. A specific query was raised to learned counsel appearing on behalf of the petitioner to point out any defect in the investigation so conducted by the Investigating Agency or to indicate any complicity of the Investigating Agency with any suspect. No reference could be made to any of the said allegations or evidence substantiated by any such averment.

3. Besides, reply by way of affidavit of Om Parkash,

Assistant Commissioner of Police, Panchkula dated 24.01.2019 on behalf of respondents No. 5 to 7 has been filed. The relevant extract of the same reads thus:

“That Case FIR No 39 dated 25-02-2016 under section 279, 304-A Police Station Chandimandir was registered on the statement of Dayal Singh Wild Life Guard. Berwal Beat, Morni area, Chandimandir Panchkula against unknown person. He has stated in his statement that deceased was on duty on dated 24-02-2016 at Naka Berwal, at about 9.30 PM he heard voice and in this regard when he came out from his quarter he saw Rajbir Singh who was lying on the road and blood was running from his body and no person was present there. When he was going to the Police Station, Police PCR meet to him in the way. He went with Police PCR at the spot. Deceased was took in General Hospital Sector 6, Panchkula where he was declared dead. After conduct the identification, statement of witnesses were recorded and after conduct post mortem dead body was handed over to Jagbir Singh, brother of the deceased S/o Balbir Singh R/o Village Lakriya Police Station Beri Distt Jhajjar. During the investigatin place of occurance was examined. Efforts were made to trace out the accused and the vehicle who had done accident, but no evidence has comes on record about the death. On 21-04-2016 untrace report was written by the Station House Officer, Police Station Chandimandir and untrace report was submitted on 23-01-2019 before the Ld. Illaqa Magistrate Panchkula and same has been accepted by the Ld Court.”

4. It is evident from a perusal of the above that untraced report was submitted by the Station House Officer on 23.01.2019 and the same had been accepted by the Court.

5. In view of the above, no such further direction as prayed for can be issued by this Court. The petitioner is however at liberty to take recourse to the remedies available to him in accordance with law.

Dismissed accordingly with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

JULY 26, 2022

Vishal sharma

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