

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39447-2018
Date of decision : 16.11.2022

Mohinder Singh

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shivraj Angi, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

None for respondent No.5.

PANKAJ JAIN, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for issuance of directions to respondents No.2 to 4 for conducting free and fair investigation in DDR No.14 dated 25.07.2018, under Section 174 Cr.P.C. registered at Police Station Sadar Fazilka, District Fazilka.

2. Reply has been filed on behalf of the State, wherein the stand taken by the prosecution is that:-

“xx xx xx

1) That factual matrix of the case is that on dated 27/07/2018, telephonic message received from PS Kotwali Faridkot concerning the death of Gurdiyal Singh i.e. father of the petitioner and upon reaching at GGS Medical College, Faridkot, petitioner recorded his statement to respondent no.4 and from the said statement of petitioner, no clear stance regarding the cause of death of above said Gurdiyal Singh came forward and accordingly, in compliance of settled of law, proceedings

under section 174 Cr.P.C. were done by respondent no.4 with observation that the further action would be taken upon receiving Post Mortem Report of Gurdiyal Singh. Accordingly, Post Mortem of Gurdiyal Singh was conducted at GGS Medical College, Faridkot.

2) That in Post Mortem Report, the opinion regarding cause of death was given as "Hemorrhage and Shock due to injuries". It is relevant to mention here that as per the statement of petitioner, he alleged that his father was given injuries few days back i.e. on 16/07/2018 and further in his above said statement he also recorded that while coming to police Station, his father fell down from Motorcycle, so in this context it was required to know whether the father of petitioner had died on account of previous alleged injuries or due to injuries received by him on account of falling from his motorcycle. So accordingly, SHO, PS Sadar Fazilka, sought opinion from Medical Officer, GGS Medical College, Faridkot vide letter no.987-5A dated 16/08/2018, on three points. True Translated version of above said letter is attached herewith as Annexure R-1/T.

3) That in response of above referred letter, concerned Doctor of department of Forensic Medicine and Toxicology of GGS Medical College, Faridkot vide its Letter dated 20/08/2018 gave answers on 03 points from which it became apparently clear that the injury resulting to death of Gurdiyal Singh was recent and the said injury could be result of fall and probable time Gap between injuries to 5th & 6th Ribs of Gurdiyal Singh and his death was within few minutes. Photostat copy of above said report dated 20/08/2018 is attached herewith as Annexure R-2 for the kind perusal of this Hon'ble court. So, from the combined study of factual aspect of the matter in question corroborated with Medical Opinion, it became abundantly apparent that Gurdiyal

Singh i.e. father of the petitioner has died on account of falling from his motorcycle and nobody is responsible for the same and accordingly, no legal action is required to be taken concerning his death against anybody. However, it is submitted here that if this Hon'ble court would issue any direction to the official respondents concerning the matter in question, the same would be complied.”

3. Thus keeping in view the forensic opinion on record, no fault can be found with the course adopted by the prosecution agency. However in case the petitioner still feels aggrieved, he shall be at liberty to pursue his alternate remedy.

4. Disposed off as such.

5. Nothing observed herein shall be construed as an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.11.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No