

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

225

**CRM-M-36636-2021
Date of decision: 16.12.2022**

KAVITA

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Jamshed Ahmed, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMAN CHAUDHARY. J.

Instant petition has been filed under Section 482 Cr.P.C. for issuing directions official respondent Nos. 1 to 3 to transfer the investigation of the case FIR No.197 dated 26.07.2021 under Section 346 IPC registered at Police Station Sadar Tauru, District Nuh for investigating the case by some other independent investigating agency.

Notice of motion in this case was issued on 07.09.2021, pursuant initially reply dated 02.11.2021 by way of affidavit of Surender Singh, HPS, Deputy Superintendent of Police, Tauru has been filed and thereafter reply dated 10.03.2022 by way of affidavit of Suresh Bhadana, HPS, Deputy Superintendent of Police, Tauru has been filed by the State. Learned State counsel makes a reference to para No.5, 7 and 10 thereof, which reads thus:-

“5. It is also pertinent to mention here that the local police was visited in CHC, Bhiwadi, where the dead body was kept in mortuary by the police of UIT Police Station, Bhiwadi. After that the local police also visited the place of incident on 26.07.2021. Thereafter, the local police again visited in CHC, Bhiwadi, where the Post Mortem of the

deceased was conducted by the Doctors of the Medical Board, on 27.07.2021. The local police also visited at UIT Police Station, Bhiwadi and MHC Rakesh Kumar, Police Station, UIT, Bhiwari handed over a copy of PMR of the deceased Aashish to the local police. No injury was found on the body of deceased as per the Post Mortem Report. A copy of PMR is annexed as Annexure R-1.

7. That it is also pertinent to mention here that during the course of investigation, the proposed accused namely Vinod S/o Vijay R/o Rangala, Aakash S/o Saroj Yadav presently residing at Rangala, Ajay S/o Mohan Ram R/o Chilawali presently residing at Vijay Nagar, Khori-Kalan, Ajay @ Dholu S/o Rohtash R/o Rangala now residing at Ashok Bihar, Khori-kalan, Kapil S/o Rajender R/o Rangala, Jai @ Monu S/o Ganga Lehri R/o Rangala, Sanjay S/o Vijay R/o Rangala, Virender S/o Rajender R/o Rangala were joined investigation in the present case on 22.10.2021. However, during the course of investigation, no incriminating evidence came forth against them in the present case and it was revealed that the aforesaid proposed accused and deceased were taking bath in the ditch between the hillocks and deceased Aashish drowned in the ditch due to slipping of his feet. The aforesaid proposed accused also raised alarm, but due to lonely place in the jungle, no person came at the spot. Thereafter, the verification was conducted by SHO PS-Sadar Tauru on 22.10.2021 and the facts were found verified.

10. That during the course of investigation of the present case to find out the truth and cause of death of deceased Aashish, FSL report and Pathology report were produced before the Medical Board, CHC Bhiwadi (Rajasthan) for obtaining the opinion regarding cause of death of Aashish S/o Krishan and Medical Board has opined that **"After getting report in our opinion cause of death is already given. Cause of death is Asphyxia due to antimortem drowning (reports of FSL & histopathology are signed by us."** A copy of said opinion is annexed as Annexure R-4."

In view of the aforesaid, learned State counsel submits that the present petition has been rendered infructuous and may be disposed of as such.

In view of the above, no further orders are required to be passed in the present case.

Petition is disposed of as having been rendered infructuous.

However, liberty is granted to the petitioner to avail of

alternate remedy as may be, available to him, in accordance with law.

December 16, 2022

P.Bhatt

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No