

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

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CRM-M-40784-2021

Date of Decision: 13.12.2022

Chander Mohan Goyal

...Petitioner

Versus

State of U.T., Chandigarh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Preetinder Singh Ahluwalia, Advocate,
for the petitioner
Mr. Rajeev Anand, Addl. PP, U.T., Chandigarh
Ms. Meghna Malik, Advocate, for
Ms. Shubra Singh, Advocate
for respondent No.4-CBI

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Section 482 Cr.P.C. is seeking entrusting of investigation regarding death of son of the petitioner to an independent agency i.e. CBI-respondent No.4.
2. This is second round of litigation. The petitioner on the earlier occasion filed *Criminal Misc. No.M-33037 of 2012* which came to be adjudicated by Coordinate Bench of this Court vide order dated 12.05.2015. The operative portion of the order is as below:-

“After hearing the learned counsel for the parties and noticing the entire content before me, I am of the opinion that this is a matter which requires a deeper examination. Since there was no suicide note, it is not possible for anybody to conclude the reason for suicide. The door of the room was locked from outside and the facts would also indicate that the deceased was in relation with one Ritika Nainta and an unusual sum of Rs.7,75,150/- was swiped from the Credit Card of the deceased in April, 2009 through several transactions in Gorgeous Girls, a small shop in Sector 34, Chandigarh. The body was discovered by Navdeep Dhir, brother-in-law of Ritika Nainta and spending

of more than Rs.7 lacs in a small shop in itself a unusual fact besides the report of the Forensic Escience expert, the details of which have been given above would clearly raise some question which the investigating agency needs to answer. The petition is therefore, accepted and a Special Investigating Team is directed to be constituted to look into the cause of death of the deceased. The Inspector General of Police, U.T. Chandigarh is directed to look into the matter and constitute a Special Investigating Team of senior officers to look into the cause of death of the deceased.”

3. The respondent-State constituted a Special Investigating Team (for short ‘**SIT**’) which consisted of different rank of police officials. Due to transfer, the members of the team were changed from time to time. The SIT constituted by respondent did not come to a final conclusion, thus, left with no other option, the petitioner preferred present petition seeking entrusting of investigation to an independent agency.

4. The respondent-State by way of affidavit dated 01.04.2022 of Shruti Arora, I.P.S, U.T., Chandigarh has filed status report disclosing that in terms of order dated 12.05.2015 passed by this Court, SIT was constituted by S.S.P, U.T., Chandigarh under the supervision of Navdeep Singh Brar, SDPO/South. The members of SIT were changed from time to time. The SIT recorded statements of different persons who were possibly connected with the deceased. The SIT further sought opinion from Department of Forensic Medicine & Toxicology, GMCH, Sector 32, Chandigarh on following points:

“1. Whether the hanging is possible in the position in which the body was found?”

2. *Pooling of blood near the body is due to hanging or otherwise?*
3. *Whether any injury marks were there on body as per PMR etc or not?"*
5. The Department of Medicine & Toxicology vide its report dated 23.02.2022 opined as below:

- "1. From the post mortem report and from the photographs submitted hanging is possible in the position/posture in which the body was found.*
- 2. The pooling of blood near the body is post-mortem purging and decomposition fluid as a result of decomposition changes in the body of the deceased.*
- 3. There are no injury marks on the body except the ligature mark that has been described in the original PMR, after perusal of the report and the photograph submitted."*

6. Learned State counsel submits that SIT has carried out investigation to the best of its ability. There is no allegation against the members of SIT of bias or favouritism. The investigating team has found it a case of suicide and not murder by anybody.

7. Learned counsel for the petitioner would submit that this Court passed order on 12.05.2015 and investigating agency did nothing till 2021 which shows insensitive attitude of the investigating agency. The report placed on record by respondent-State has seen the light of day after passing many orders by this Court. The statements which are forming part of the status report were existing even prior to passing of order by this Court on 12.05.2015. The respondent except placing on record opinion of the Forensic Lab has done nothing. The question of financial transactions raised by this Court in order dated 12.05.2015 has not been adverted by the investigating agency.

8. From the perusal of the report submitted by respondent-State, it comes out that SIT has adverted with different possible issues qua death of son of the petitioner, however, investigating agency has not investigated the matter qua financial transactions pointed out by this Court in order dated 12.05.2015.

9. Faced with this situation, learned State counsel would submit that SIT would look into financial transactions and prepare its report within time bound manner.

10. The respondent-State is directed to look into financial transactions as pointed out by this Court in order dated 12.05.2015 and supply copy thereof to the petitioner within six weeks from today.

11. The present petition is disposed of in above terms with liberty to the petitioner to avail remedies as permissible by law.

(JAGMOHAN BANSAL)
JUDGE

13.12.2022

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*