

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-35604-2020
Decided On 14.12.2022

Hira Singh and another

... Petitioners

VS.

State of Punjab and ors.

... Respondents

Coram: Hon'ble Mr. Justice Sandeep Moudgil

Present: Mr. G.S. Ghuman, Advocate for the petitioner
 Mr. Rajiv Verma, D.A.G., Punjab

Sandeep Moudgil, J. (Oral)

Prayer in the present petition is for issuance of a direction to respondents No. 2 to 4 to conduct thorough, fair and impartial investigation in case FIR No. 0126 dated 16.07.2020 registered under Section 304, 201, 34 of I.P.C. Police Station Khilchian, District Amritsar (Rural).

Reply datyed 28.11.2022 filed by Jaswant Kaur, PPS, Superintendent of Police, (HQ), Amritsar Rural, is taken on record. Paras 3, 6 and 7 of the said affidavit read as under:-

3. That postmortem of the dead body of Ravisher Singh @ Ravi was conducted at Primary Health Center, Baba Bakala Sahib, Amritsar. The viscera of the deceased were sent for histopathological and chemical examination and cause of death was kept pending subject to reports thereof. However, it is worthwhile to mention here that in the postmortem report it was mentioned in General description that, "I/V Injection marks present all over the body. Old case of fracture left elbow implant in SITU present" and it was mentioned in the column of 'Internal examination' that "9, 10, 13th ribs fractured" (spleen) ruptured, sent for HPE and Chemical Examiantion."

6. *That after receiving reports of Histopathology and Chemical Examiner, wherein no poison was detected, the cause of death of the deceased Ravisher Singh has been declared vide his report dated 28.10.2020 by the doctor as spleen rupture leading to hemorrhage and shock. It has also been mentioned in the supplementary report dated 28.10.2020 by the doctor that 9th, 10th and 12th ribs of left side of the deceased were fractured. The reports are annexed herewith as Annexure R-1 and R-2 for the kind perusal of this Hon'ble Court.*

7. *That it is humbly submitted that the challan of the present case against the accused Ranjit Kaur @ Raj was presented on 18.09.2020 before the Court of Ld. Area Magistrate and after receipt of report of cause of death, the supplementary challan under Section 173(8) Cr.P.C. was presented on 18.12.2020 before the Ld. Court. The case against the accused Ranjit Kaur is now pending for trial before the Court of Ld. Additional Sessions Judge, Amritsar, charge is yet to be framed and next date is fixed for 13.12.2022 for consideration on application filed by the above accused Ranjit Kaur for her discharge from this case."*

In the light of the aforesaid facts, learned counsel for the petitioner prays for withdrawal of the present petition with liberty to take all such pleas, at an appropriate time, before the Trial Court.

Prayer is allowed.

Dismissed as withdrawn with liberty aforementioned.

14.12.2022
Jatin SSS

(Sandeep Moudgil)
Judge