

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-46367-2019 (O&M)
Date of decision: 21.12.2022

RAJBIR SINGH

....Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldeep, Advocate for
Mr. S.K. Verma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 482 Cr.P.C. for directing the respondent No. 1 to handover the investigation of the case registered vide FIR No.0146 dated 11.07.2019 under Sections 210, 292 and 302 of IPC, at Police Station Uchana, District Jind to the CBI or to some other Independent Agency.

Notice of motion in this case was issued on 10.02.2020 pursuant to which reply dated 17.12.2019 by way of affidavit of Kaptan Singh, Deputy Superintendent of Police, Detective Jind has been filed by the State. Learned State counsel makes a reference to para Nos.3 and 6 thereof, which reads thus:-

“3. That, on 10.07.2019, on receipt of information/complaint regarding inaction by the police officials in the matter, an enquiry was conducted by the Deputy Superintendent of Police, Narwana. The Deputy Superintendent of Police, Narwana after enquiry vide

No. 369-N dated 10.07.2019 has informed the Senior Superintendent of Police, Jind that on 08.07.2019, in the evening time Suresh Kumar S/o Shri Gopi Ram, resident of village Khapar died due to drowning in Kapar minor canal. HC Rajesh Kumar No. 897/Jind, MHC PS Uchana instead of deputing any 10 at the spot, himself accompanying with Vinod Kumar, Home Guard Volunteer and SPO Ramesh Kumar No.25, on two motor cycles conducted search of dead body of Suresh Kumar and after conducting search they returned back. Thereafter, on receipt of information of recovery of dead body, HC Rajesh Kumar No.897/Jind, MHC PS Uchana telephonically informed to ASI Jaibir Singh No.392/Jind, HC Main Pal No 606/Jind about the location of the dead body. On this, ASI Jaibir Singh No.392/Jind, HC Main Pal No.606/Jind, EHC Rajesh Kumar No. 1002/Jind and SPO Ramesh No.25 brought an Auto which was involved in another case and threw the dead body at another place in Makhand canal. E/SI Dharambir No.698/Jind, Moharir Malkhana failed to secure custody of Auto which deposited in Malkhana in another case. Further vide order No.31953-58 dated 10.07.2019 issued by the Senior Superintendent of Police, Jind, a regular departmental enquiry against the erring police officials namely ASI Jaibir Singh No. 392/Jind, ESI Dharmbir Singh No. 698/Jind, HC Main Pal No. 606/Jind, HC Rajesh Kumar No. 897/Jind, MHC PS Uchana and EHC Rajesh Kumar No.1002/Jind was ordered and they were also placed under suspension. Further vide order dated 31959 dated 10.07.2019 SPO Ramesh No.25 was dismissed from service.

4. xxxxx.

5. xxxxx.

6. That on 04.09.2019, Dalbir Singh, Assistant Director (Toxicology), Regional Forensic Science Laboratory, Sunaria vide report No.19/SU/B-1365 dated 04.09.2019 has sent laboratory examination report of viscera with the finding that ethyl alcohol was detected for the viscera. The relevant extract of the report dated 04.09.2019 is reproduced as under:-

"LABORATORY EXAMINATION

Chemical test and techniques were employed to detect common gaseous and volatile poisons, metallic poisons, inorganic ions, plant poison, pesticides and drugs in exhibits- la, lb, lc and 1d. Based upon the examination carried out in the laboratory, the results are given as under:

RESULTS OF THE EXAMINATION

1. Ethyl alcohol was detected in exhibits-la, lb and lc
2. No common poison could be detected in the exhibit-1d.

Note:- After examinations, the remnants of the exhibits were sealed with the seal of DS AD TOXI RFSL, RTK."

Further on 10.09.2019, Priya Chaudhary, SSO/ Diatomology, Biology Division, Forensic Science Laboratory, Haryana, Madhuban

vide report No. 19/B-4786 dated 10.09.2019 sent examination report of the diatoms with the finding of recovery of diatoms. The relevant extract of report dated 10.09.2019 is reproduced as under:-

"LABORATORY EXAMINATION

Laboratory examination were carried out to detect the presence of diatoms in he the exhibits, by performing Acid Digestion, Centrifugation & Microscopy. Based upon these examinations, the result obtained are given below:-

1. Diatoms were detected on exhibit-1 (Femur), exhibit-2 (Water Sample) and were found to be of similar type.

Note:- 1. After examinations, the exhibit(s) alongwith its/their original wrapper(s) has/ have been sealed with the seal of PC,FSL.

2. The result relates only to the items tests above."

Besides the aforesaid, learned State counsel on instructions from SI Atma Ram submits that the polygraphy test of Anil and Vishnu was got conducted on 16.03.2020, as per which nothing incriminating had surfaced. She submits that the present petition has been rendered infructuous and may be disposed of 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, available to him, in accordance with law.

(AMAN CHAUDHARY)
JUDGE

December 21, 2022

M.Kamra/S.Sharma(syr)

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>