

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

CRM-M-75198-2018

Date of Decision: October 10, 2022

Kulwinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Arpan Sabharwal, Advocate for the petitioner.

Mr. Kamal Preet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(Oral)

Present petition has been filed under Section 482 of the Code of Criminal Procedure for seeking direction of respondent Nos.2 and 3 to fairly investigate the death of the petitioner's son and to take necessary legal action upon the representation given by the petitioner.

Notice of motion in this case was issued on 18.12.2018. Fresh status report dated 01.10.2022 by way of affidavit of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Banga, District SBS Nagar, Punjab, has been filed.

Learned State counsel refers to para Nos.2, 4 and 5 of the aforesaid status report, which read thus:

“2. That it is respectfully submitted that on 04.07.2017, ASI Jagir Singh-Incharge, Police Post Mehli, police station Behram, was at village Mandhali, near Dargah Roja Sareef, where Gurpreet Kumar son of Sukhdev Raj, resident of Dheena, police station Jamsher, District Jalandhar, (respondent no.6) met the investigating officer-ASI Jagir Singh and got recorded his

statement to the effect that on 29.06.2017, he along with his co villager Ravi Pal son of Jeet Ram (son of the petitioner) had come to Roja Sareef Abdulla Shah Dargah, at village Mandhali for paying obeisance on motorcycle and on next day i.e. on 30.06.2017, they returned to their village and again on 01.07.2017, at about 09:30 PM, he along with Ravi Pal (son of the petitioner) reached at the fair of Roja Sareef at village Mandhali and pay obeisance at the Dargah and after coming out of the Dargah, they had Sardai of Bhang at a place in the fair and thereafter they started roaming in the fair and they were under the influence of Bhang, and Ravi Pal separated from him in the fair and he tried to search for Ravi Pal, but he could not trace him and even mobile phone of Ravi Pal was also switched off. It was further stated by respondent no.6-Gurpreet Kumar that the key of the motorcycle was with Ravi Pal and token of their slippers deposited at a place in the fair, was with him and he took his own as well as slippers of Ravi Pal from the place and then some other boys of village met him in the fair and one Santosh @ Lala of his village also met him in the fair and he returned to his village on the motorcycle of Santosh @ Lala and slept in his house by keeping the slippers of Ravi Pal (son of the petitioner). It was further stated by respondent no.6-Gurpreet Kumar, that on 03.07.2017, brother of Ravi Pal namely Gurpreet asked him about Ravi Pal and he narrated the entire sequence of events to him and then he along with brother of Ravi Pal namely Gurpreet again came to Mandhali in search of Ravi Pal, then they came to know that a dead body of a boy was fished out by the police from the pond of the village and he along with brother of Ravi Pal went there and found that it was the dead body of Ravi Pal and respondent no.6-Gurpreet Kumar concluded that since Ravi Pal was under the influence of Bhang, he must have slipped and fell into in the village pond accidentally and died due to drowning wherein no one was at fault.

3. xx xx xxx

4. That it is respectfully submitted that on 04.07.2017, the autopsy of the dead body of the deceased-Ravi Pal was got conducted

from civil hospital Banga, and the observations of the doctor, who conducted the autopsy / post-mortem are as under:

Dead body of male of 20 years. Eyes closed mouth opened, wearing light blue jean pant underwear, where Adidas was written (printed) with black colour, with parrot colour lines on the underwear. Earring in the left ear present. Froth mixed with blood from mouth and nostrils present on compression of chest and it also increases. Peeling of skin is present. Rigor Mortis is present.

It is further submitted that no external / visible injury was found on the body of the deceased-Ravi Pal, however, lungs, heart, coronary vessels, stomach, small intestine, large intestine, kidney, liver, spleen etc. of the deceased-Ravipal were sent for chemical and pathology examination for detection of any poison therein and declaration of cause of death of the deceased Ravi Pal was kept pending by the concerned doctor till receipt of report of Chemical Examiner, Punjab. The probable time between injury and death was declared by the concerned doctor as within few minutes and between death and post mortem examination was declared as within three days.

5. That it is respectfully submitted that on receipt of report of Chemical Examiner, Punjab, it was found that from the analysis, no poison was detected from any part of limb of th deceased, accordingly, on 04.07.2018, the concerned doctor gav its final opinion regarding cause of death of the deceased-Ra Pal as under:

After receiving the Chemical Examiner Examinat report, the cause of death in this case is due to drowning. original report handed over to the police along with opinion poison is detected, so from the findings of Post M Examination, the cause of death is due to drowning, wh sufficient to cause death in ordinary course of nature.”

In view of the above paras, learned counsel for the petitioner submits that the petitioner be permitted to withdraw the instant petition with liberty to avail alternative remedy as may be available to her.

Allowed as prayed for.

Dismissed as withdrawn with the aforesaid liberty.

October 10, 2022
sarita

(AMAN CHAUDHARY)
JUDGE

Whether reasoned/speaking:	Yes	/	No
Whether reportable:	Yes	/	No