

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

CRM-M-29061-2020

Date of decision: 12.05.2023

MUSTAK

.....Petitioner

versus

STATE OF HARYANA AND ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

None for the private respondents.

NAMIT KUMAR, J. (ORAL)

None has put in appearance on behalf of the petitioner on 12.10.2022 and 16.01.2023. Even today, no one is present on behalf of the petitioner.

The instant petition has been filed by the petitioner under Section 482 of Code of Criminal Procedure seeking directions to the respondents to conduct further investigation in case bearing FIR No. 286 dated 13.11.2019, under Sections 148, 149, 302, 379, 188 IPC, 1860 (later on offence under Sections 148, 149, 302 IPC, 1860 was deleted and enhanced offence under Section 304, 201 IPC, 1860), registered at Police Station Pinangwa, District Nuh.

On issuance of notice of motion, reply by way of affidavit of Sh. Shamsher Singh, H.P.S., Deputy Superintendent of Police, Punhana, has been filed on behalf of respondent Nos.1 to 3 and in the said reply, it has been stated as under:-

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“4. That it is also pertinent to mention here that during the course of investigation a rough site plan of the place of incident was prepared and statements of witnesses were recorded us 161 Cr.P.C. The postmortem of the deceased was got conducted in Govt. Hospital Mandikhera on 14-11-2019. The blood stained earth were also taken into possession from the spot and

the scene of crime team has also examined the spot minutely. The statement of witnesses including the eye witnesses, who stated that the tractor in question was coming from Sikrawa side and hit the motorcycle due to which the driver and pillion rider fell down along with the motorcycle. Thereafter the driver of the motorcycle stood up and climbed on the tractor, but the accused Sajji gave a kick blow, due to which Mustakeem (driver of motorcycle) fell down and the tyre of the tractor crossed over him, due to which he died at the spot

5. That it is also significant to mention here that the facts and evidence of the present case were verified by SHO, Police Station, Pinangwa and DSP, Punhana. During the course of verification it was found that as per the CDR the location of accused Jafu, was at pinangwan, location of Hakam was at Punhana, Location of Ahmed was found at village Aterna Shamsabad, accused Jamil was found at his house as he was ill, location of accrued Abid was found at panipat, accused Alijaan was at Ambala, Arif was at his home in village Khuwajilkalan and the location of the accused Sirdaar was found at drain in village Khuwajilkalan, hence the above said accused were found involved in commission of the said crime for which the present FIR was registered.”

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Learned State counsel, while referring to the said reply, submits that the main accused – Sajji @ Tahir has been arrested and challan against him has also been presented under Section 304 IPC. He further submits that after conducting the investigation, accused Jafu, Ahmed, Jamil, Abid, Alijaan, Arif and Sirdaar were found to be not involved in the commission of the said crime.

Since the investigation in the present case has already been completed and the main accused has been arrested and other co-accused have been found to be innocent, therefore, the instant petition has been rendered infructuous.

Disposed of accordingly.

(NAMIT KUMAR)
JUDGE

12.05.2023
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No