

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

259

CRM-M-28900-2018 (O&M)
Date of decision: 12.07.2023

Sawinder Singh

....Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 482 Cr.P.C. for issuance of direction to the official respondents to take strict legal action on the complaint dated 05.06.2018 (Annexure P-2) and to register an FIR against respondent Nos.4 to 6, by investigating the matter from some independent agency.
2. None had appeared on behalf of the petitioner on 23.03.2023 and 27.04.2023. The position remains the same even today.
3. Learned State counsel on the other hand, makes a reference to para Nos. 3 and 4 of the reply, which reads thus:-

“3. That, it is respectfully submitted that the Post Mortem of the deceased Jagtar Singh @ Kaka S/o Sawinder Singh resident of Village Sundal, P.S. Ghanie ke Banger, District Gurdaspur was conducted by Dr.Navpreet Singh, Medical Officer, Civil Hospital Batala vide MLR No.41/NPS/CH/BATALA/2018. The Medical officer has opined the cause of death as Cause of Death is Asphyxia due to aspiration of Vomiting leading on to respiratory arrest leading to death that is sufficient to cause death in an ordinary cause of nature.”

4. That, it is respectfully submitted that the complaint/representation filed by Sawinder Singh s/o Surta Singh r/o Village Sundal bearing No.1761-P dated 5.6.201, 397-OPC/Z dated 27.6.2018 and 876-MPC dated 30.6.2018 were received in the office of Sr. Superintendent of Police Batala and the same were entrusted to Deputy Superintendent of Police, Fatehgarh Churian for enquiry and report. The Deputy Supdt. Of Police, Fatehgarh Churian had further directed SHO P.S. Ghanie ke Banger to enquire the matter personally and submit his report. The SHO P.S.Ghanie ke

Banger during enquiry had summoned both the parties and had recorded the statement of Gurjit Kaur daughter of Sawinder Singh (Petitioner), Gurmeet Kaur w/o Sawinder Singh, both residents of Village Sundal, Gurjant Singh s/o Kewal Singh (Son in law) of the petitioner resident of Bharathwal, Davinder Kaur w/o late Kulwant Singh r/o Sundal, Sukhwinder Singh s/o Gurbax Singh r/o Sundal, Jobanjit Singh Sarpanch, Jagtar Singh Ex.Sarpanch, Namberdar Kashmir Singh (respectable of village Sundal), ASI Rashpal Singh No.1618/BTL. The complainant Sawinder Singh s/o Surta Singh r/o Sundal was summoned vide memo No.375-SA dated 12.7.2018, 381-5A dated 29.07.2018 and 399-5A dated 3.8.2018 to come present before the enquiry officer to get recorded his statement but in spite of best efforts he did not make himself present before the enquiry officer. The enquiry officer after perusal of the statement, proceedings under section 174 Cr.P.C. medical opinion of medical officer, discreet and open enquiry had concluded that the death of Jagtar Singh@ Kaka S/o Sawinder Singh (petitioner/complainant) has occurred suddenly. naturally and bychance and there is no fault of any person as alleged by the complainant/petitioner and has recommended to consign the complaint filed by petitioner/complainant. The enquiry report was received in the office of Sr. Superintendent of Police, Batala vide memo No.134/DSP-FGC date 18.8.2018 and the same has been perused and filed by the Sr. Superintendent of Police, Batala. The true translated copy of the enquiry report is annexed herewith as Annexure R-3/T.”

4. In view of the above, no further orders are required to be passed.
5. The instant petition is disposed of with liberty to the petitioner to avail of alternate remedy, if any, available to him in accordance with law.

(AMAN CHAUDHARY)
JUDGE

July 12, 2023

M.Kamra

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