

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

CRM-M-29143-2018
Date of decision: 21.04.2023

Pardeep and anotherPetitioners

versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ram Pal Verma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

This petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of direction to respondent Nos.1 to 3 to investigate the case fairly/properly in FIR No.0090 dated 16.05.2018 under Section 302 IPC, registered at Police Station Kosli, District Rewari, in a fair and thorough manner, whereby the sons of both the petitioners have been murdered in blind circumstances and found dead in the Cremation Ground of the village.

On issuance of notice of motion, status report by way of affidavit of Sh. Mukesh Kumar, HPS, Deputy Superintendent of Police, Kosli, District Rewari, on behalf of respondent No.1-State of Haryana, has been placed on record. Copy supplied. The relevant portion from the report is as under:-

“6. That keeping in view the sensitive nature of crime, the Superintendent of Police, Rewari had constituted a special investigation team under the stewardship of Deputy Superintendent of Police, Headquarters, Rewari in terms of order dated 28.05.2018.

7. That the next of the kin of the deceased were not satisfied with the investigations conducted by the SIT, and accordingly on the basis of a representation moved by them, the Inspector General of Police, South Range, Rewari had ordered for transfer of investigation of the case from District Rewari to District Palwal in terms of order dated 26-06-2018.

8. That in compliance of the said order, the investigations were transferred to District Palwal, however, in terms of order dated 16-07-2018 as passed by the Additional Director General of Police, Crime, Haryana, Panchkula, the investigations of the case were ordered to be transferred to the State Crime Branch, Haryana. The case had been assigned to the State Crime Branch, Rohtak Unit and a special investigation team under the stewardship of Inspector Dalbir Singh, State Crime Branch, Rohtak was constituted.

9. That in compliance of the orders dated 16-07-2018, the investigation file complete in all respects was handed over to the Incharge of the Special Investigation Team.

10. That thereafter the Special Investigation Team had taken over the investigation in the matter. The FSL regarding viscera analysis was taken on record. The FSL Report revealed presence of aluminum phosphide in the stomach, parts of small intestine, parts of liver, kidneys and blood in both the deceased.

11. That opinion of the medical expert regarding the cause of the death of deceased was obtained whereby it was opined that the cause of death was due to aluminum phosphide poisoning.

12. That further the medical officer had stated in categorical terms that there were no struggle marks on the dead bodies of the deceased students and further that it was not possible to mix and administer aluminum phosphide by mixing in some edible articles.

13. That the special investigation team had thereafter associated the suspects of the case. Apart from that the previous investigators of the case were also joined in investigations by the State Crime Branch.

14. That with a view to adopt scientific mode of investigation, the suspects Ram Kishan, Jai Bhagwan and minors Rahul and Sahil were produced before the Court of learned Sub-Divisional Judicial Magistrate, Kosli, to get recorded their statements regarding their willingness to undergo polygraph test.

15. That the suspects accorded their consent to undergo the test, however, the learned Sub-Divisional Judicial Magistrate, Kosli declined the permission of getting conducted the polygraph test on the person of the minors Rahul and Sahil. The certified copy of the order passed by the learned Sub-Divisional Judicial Magistrate, Kosli was obtained.

16. That suspects Jai Bhagwan and Bhuru @ Ram Kishan underwent the polygraph test on 16.01.2019 and as per the report of the polygraph test, their responses were found truthful.

17. That on 22.10.2018, the investigating agency sought further clarifications from the Medical Officer, General Hospital Rewari, with regards to the injuries present on the person of the corpse of the deceased and it was opined that:-

"1. The injuries mentioned in PMR are not produced by struggle of deceased. These do not show the signs of struggle. These minor injuries could be produced during body handling or could be produced due to restlessness produced after ingestion of aluminium phosphide. 2. After ingestion of Aluminium phosphide the patient develops nausea, vomiting, dizziness, tightness in chest, diarrhea, ataxia and tremors. The possibility of removal of clothes by deceased himself at the terminal stage of aluminium phosphide poisoning cannot be ruled out. 3. In my opinion the manner of death is suicidal in both cases."

18. That further, the call detail records of the suspects was also collected and analysed. The schoolmates of the deceased Anil and Kunal and their friends alongwith the Principal and staff of the Government School, Guryani were also joined in investigation.

19. That consequent upon the comprehensive analysis of the material collected and the verifications and investigations conducted at length, the State Crime Branch, Rohtak arrived at a conclusion that commission of no offence under section 302 IPC was found.

20. That accordingly, the Station House Officer, Police Station, Kosli, prepared a cancellation report dated 20.06.2019, which has been submitted before the Court of competent jurisdiction."

In view of the stand taken in the status report, no further orders are called for in the present case.

Consequently, the present petition is disposed of accordingly.

21.04.2023
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(NAMIT KUMAR)
JUDGE

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