

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

250

CRM-M-32957-2014

Date of decision: 25.07.2023

Davinder Kumar

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dheeraj Mahajan, Advocate
for the petitioner

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

AMAN CHAUDHARY. J.

1. Prayer in the present petition under Section 482 Cr.P.C. is for issuing directions to respondent Nos. 1 to 3 to hand over the investigation of the case FIR No. 53 dated 09.08.2012 registered under Section 302 of the Indian Penal Code, 1860 at Police Station Sadar Pathankot, District Gurdaspur (Now District Pathankot).

2. As is evident from the status report dated 14.12.2022 filed by the Deputy Superintendent of Police, Sub Division Rural, District Pathankot, an SIT was constituted by the Senior Superintendent of Police, District Pathankot vide order dated 25.11.2022 comprising of:

(i) Superintendent of Police (PBI), District Pathankot

(ii) Deputy Superintendent of Police (Rural), District Pathankot

(iii) S.H.O Police Station, Sadar Pathankot, District Pathankot

3. Learned State counsel has referred to the status report dated

21.07.2023 filed by way of affidavit of Deputy Superintendent of Police, Sub Division Rural, District Pathankot, the relevant paras of which read thus:

“3. That during investigation, it came to light that Kailash Chander (Respondent No. 4) died on 31.05.2021 and photocopy of the death certificate of Respondent No. 4 Kailash Chander was taken into police possession. The said fact was duly verified from Senior Medical Officer, CHC, Gharotta, Pathankot.

4. That during investigation, following 22 persons were interrogated by the SIT:

i. Iqbal Singh, son of Om Prakash, resident of Faridanagar, Police Station: Sadar Pathankot

ii. Vinod Kumar, Sarpanch of Village Channi Makimpur, Police Station: Sadar Pathankot.

iii. Manohar Lal, son of Mulkh Raj, resident of Faridanagar, Police Station: Sadar Pathankot

iv. Abhinandan Singh, son of Dilbag Singh, resident of Faridanagar, Police Station: Sadar Pathankot.

v. Baljit Kaur, Sarpanch, wife of Gurmukh Singh, resident of Faridanagar, Police Station: Sadar Pathankot.

vi. Manga Ram, son of Mulkh Raj, resident of Village Faridanagar, Police Station: Sadar Pathankot

vii. Dilbag Singh, son of Ram Ditta, resident of Village Channi Makimpur, Police Station: Sadar Pathankot.

viii. Jaswant Singh, son of Tara Singh, resident of Village Channi Makimpur, Police Station: Sadar Pathankot.

ix. Tilak Singh, Member Panchayat, resident of Village Channi Makimpur, Police Station: Sadar Pathankot.

x. Vikas Chand, son of Narinder Kumar, resident of Sujanpur, Police Station: Sujanpur.

xi. Sher Singh, son of Sundar Singh, resident of Village Channi Makimpur, Police Station: Sadar Pathankot.

xii. Rahul Chand, son of Joginder Pal, resident of Sujanpur, Police Station: Sujanpur.

xiii. Jagmohan Rai, son of Puran Chand, resident of Mohalla Ghumiara Lane, Sujanpur, Police Station: Sujanpur

xiv. Sunil Kumar, son of Ramesh Kumar, resident of Thandi Khubi Sujanpur, Police Station: Sujanpur.

- xv. Anil Kumar, son of Ramesh Lal, resident of Sauli Bhauli Sujanpur, Police Station: Sujanpur
- xvi. Amarjit Singh, son of Mela Ram, resident of Gulpur, Police Station: Sadar Pathankot.
- xvii. Billa Singh, Sarpanch, resident of Gulpur, Police Station: Sadar Pathankot
- xviii. Balwinder Singh, Sarpanch, son of Arjan Singh, resident of Sukalgarh, Police Station: Sadar Pathankot
- xix. Davinder Kumar, son of Dhian Chand, resident of House No. 560/11, Prem Nagar, Hardocharni Road, Gurdaspur
- xx. Sarav Bindu, wife of Late Kailash Chand, resident of Sukalgarh Hall, Jakhian Lahri, Police Station: Sujanpur.
- xxi. Rajni, wife of Manish Salgotra, resident of Jakhian Lahri, Police Station: Sujanpur.
- xxii. Sukhwinder Singh @ Roda, son of Karan Singh, resident of Pachochak Sukalgarh, Police Station: Sadar Pathankot.

5. That despite strenuous efforts by the SIT, no incriminating material came on record to unearth the commission of offence. Hence, the SIT, vide its inquiry report dated 17.07.2023, recommended SHO, Police Station: Sadar Pathankot, District Pathankot to submit untraced report in the Ld. Court. The inquiry report of the SIT was duly approved by the Senior Superintendent of Police, District Pathankot on 21.07.2023.

6. That on the basis of the recommendation of SIT, it is respectfully submitted that SHO, Police Station: Sadar Pathankot, District Pathankot shall submit untraced report before the Ld. Court expeditiously.”

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

(AMAN CHAUDHARY)
JUDGE

25.07.2023
Mehak

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