

2023:PHHC:091980

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

260

CRM-M-51592-2018
Date of Decision.:20.07.2023

Rajesh Chugh

Petitioner

Vs.

State of Haryana and Others

Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Arun Kumar, Advocate for
Mr. Suvir Sidhu, Advocate for
the petitioner.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

DEEPAK GUPTA, J. (ORAL)

On 10.12.2019, following order was passed:-

“Through this petition, the petitioner seeks transfer of the investigation of FIR No.0246 dated 20.3.2018 registered at Police Station, Sirsa, under Sections 302, 34 IPC to some independent investigating agency.

The grievance of the petitioner is that his son passed away on 20.2.2018. Thereafter, a complaint dated 26.2.2018 (Annexure P-2) was submitted to the police raising suspicion against the landlord of the son of the petitioner as well as other boys, who are residing with him apart from one Amit son of Surender. The police registered an FIR only on 20.3.2018 by adding to the contents of the FIR appeared to be motivated as the same was registered after receipt of report of chemical examiner, which is dated 8.5.2018 (Annexure P-7) and the finding therein is that Aluminium Phosphide was found in the viscera of the deceased. The postmortem report dated 21.2.2018 does not disclose any cause of death. Although from the said report, it becomes evident that ASI Mahender Singh had brought the body of the son of the petitioner to the hospital whereas in the police investigation, it is mentioned that he went to the hospital after receipt of information that the dead body was lying in the hospital.

Learned senior counsel for the petitioner submits that collusion is apparent from the record. The police is trying to shield the accused persons for the reasons best known to them. No challan has been presented although more than one year has elapsed since the registration of the FIR.

Learned State counsel submits that the accused mentioned in the FIR have been subjected to a polygraph test but nothing positive has come out therefrom. The matter is still under investigation. The police has prepared an untraced report in this case but the same is awaiting approval of the Superintendent of Police, Sirsa.

The conduct of the investigating agency does not appear to be completely above-board. Thus, the investigation of this case is transferred to District Hisar. The Superintendent of Police, Hisar shall conduct an investigation personally in the matter and conclude the same at the earliest and in any case not later than six weeks from the date of receipt of certified copy of this order. He shall also opine on the investigation conducted till date and make his recommendations regarding appropriate disciplinary proceedings to be taken against the delinquent officials in case he finds that they have misconducted themselves.

Adjourned to 5.2.2020.”

Status report by way of an affidavit dated 04.02.2020 of Shri Vijay Partap Singh, HPS, Officiating Superintendent of Police, Hisar has been received as per which thorough investigation has been conducted in the matter and no evidence could be found against the alleged persons for committing the murder of deceased Sanjiv Kumar and that allegations levelled against the three boys could not be substantiated and no clue regarding the actual culprit could be found. It has been further reported that no laxity has been found in the investigation conducted earlier by the District Police, Sirsa.

Learned counsel for the petitioner submits that he is not satisfied with the report and that investigation be shifted to some other independent

agency. There is no merit in the contention. As per order dated 10.12.2019, the investigation was already transferred to different district i.e. Hisar and the same has been conducted by Superintendent of Police, Hisar.

There is no justification for transferring the investigation to some other source.

Dismissed.

July 20, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No