

235 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
 AT CHANDIGARH
 CRM-M-34907-2021
 Date of Decision:25.09.2023

Rajwinder Kaur

...Petitioner

Vs.

State of Punjab and Others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr.H.S Dhandi, Advocate
 for the petitioner.

Mr. Mohinder Singh Joshi, Addl., AG, Punjab.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C with a prayer to issue directions to respondents No.2 and 3 to register the case against respondents No.4, 5 and two unknown police officials of Police Station Civil Lines, Sirsa, for causing death of Gurdeep Singh son of Gian Singh by pushing him from the second floor of the house.

2. Learned counsel for the petitioner contends that the petitioner is sister of Gurdeep Singh son of Gian Singh, since deceased. Respondents No.4, 5 and Rajdeep Singh got registered one FIR No. 151 dated 16.05.2019 under Sections 120-B, 406, 420,506 of IPC registered at Police Station Civil Lines Sirsa, Haryana registered against Gurdeep Singh son of Gian Singh, since deceased and other accused by alleging that they had paid some money to Gurdeep Singh, Amritpal and Satpal to send Rajdeep Singh to Canada. Learned counsel further contended that the FIR was registered on totally false facts as the entire money had already been returned by Gurdeep Singh etc. in the year

2015 and the FIR (Annexure P-1) was registered on 16.05.2019. Learned counsel further contended that on 19.08.2020 the police of Police Station Civil Lines, Sirsa along with respondents No.4 and 5 went to the house of Gurdeep Singh and forcibly entered his house. Out of fear, Gurdeep Singh went upstairs and the respondents No.4 and 5 and other police officials chased him up to second floor and finally pushed him from there. Due to fall from the height, Gurdeep Singh suffered serious injuries and was shifted to the hospital. However, he died on 12.09.2020. Learned counsel also referred to the death summary (Annexure P-2) and also the medical opinion (Annexure P-3). Learned counsel further contends that the petitioner had moved a representation dated 17.10.2020 (Annexure P-4) to respondent No.2, but no action was taken on her representation and no FIR has been registered against the guilty officials.

3. During the course of hearing, two separate replies had been filed by way of an affidavit of Deputy Superintendent of Police (HQ), Sirsa on behalf of respondent-State and another short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur on behalf of respondents No.1 to 3.

4. Learned State counsel submitted that one FIR No. 151 dated 16.05.2019 under Sections 120-B, 406, 420, 506 of IPC, Police Station Civil Lines Sirsa, Haryana was registered on the basis of the complaint made by Rajdeep Singh son of Satnam Singh against Gurdeep Singh, since deceased, Amritpal Singh, Satpal Singh, Ajay Sood and Reet Singh. In fact, Gurdeep Singh, since deceased and other accused had cheated the complainant to the tune of Rs.32 lacs for sending him abroad. During the course of the investigation, the bank account details were checked and it was found that huge

amounts were deposited in the account of Gurdeep Singh, since deceased. On 19.08.2020, the search for Gurdeep Singh, since deceased, accused was made at Gardiwal with the help of local police of Gardiwal. When the police reached in front of the house of Gurdeep Singh, since deceased and he was called from outside, two ferocious dogs started barking at the police party and one person was seen running on the roof and he jumped from the roof of his house and fall in a vacant plot, which was locked and injured. Later on, it was known that the said person was Gurdeep Singh, since deceased and a *rapat* was entered in this regard in Police Station Gardiwal. Learned State counsel further submitted that 09.12.2020, Ranjit Singh son of Gian Singh, brother of Gurdeep Singh, since deceased was joined in the investigation and as per him, Gurdeep Singh @ Sonu had died due to Covid-19/Corona on 12.09.2020. Learned State counsel further submitted that the allegations levelled by the petitioner were completely false and the police officials of Police Station Civil Lines, Sirsa had in fact never entered into the house of Gurdeep Singh, since deceased, however, they had gone to his house for his search on 19.08.2020. It was further submitted that in fact Gurdeep Singh, since deceased, had died not because of the injuries, but due to disease i.e Covid-19/Corona, which is also evident from death summary, Annexure P-2 (which is submitted by the petitioner herself). Even learned State counsel also submitted that Gurdeep Singh, since deceased was seriously ill due to Covid-19/Corona and was admitted in a private hospital, however, Gurdeep Singh died on 12.09.2020, due to the said medical problem and no one was at fault for that.

5. I have heard the learned counsel for the parties and perused the record.

6. It is evident from the record that one FIR No. 151 dated 16.05.2019 under Sections 120-B, 406, 420, 506 of IPC, Police Station Civil Lines Sirsa, Haryana was registered on the basis of the complaint made by Rajdeep Singh son of Satnam Singh. During the course of investigation, the account details of Gurdeep Singh was taken and it was found that huge sum was deposited in the account of Gurdeep Singh, since deceased. Later on, when the police went to the house of Gurdeep Singh, he went to the roof and jumped from there and had also suffered injuries due to the said fall. Even, no complaint was made by the family members of Gurdeep Singh in this regard. Apart from that, it is also clear from the record of Aman Hospital (Annexure P-3) that Gurdeep Singh had fallen at home and no MLC was done. Even he was discharged from the hospital on 06.09.2020. As per the case of the petitioner also, Gurdeep Singh, since deceased was got admitted in the hospital by his family members only and no such allegation was levelled by anyone that Gurdeep Singh was pushed from the roof by any other person. Still further, from the death summary (Annexure P-2), it is also apparent that Gurdeep Singh, patient had come in the emergency with severe respiratory distress for the last 02 days, cough for the last 03 days, fever for the last 05 days and deceased SPO-2 77% and had tested positive for Covid-19. He also expired on 12.09.2020 due to Covid-19/Corona in Johal Multi-speciality Hospital, Jalandhar. Even as per the record of the said hospital, the history disclosed by his attendants was that Gurdeep Singh had fallen from third floor on 21.08.2020. It has nowhere been mentioned by the doctor in the history disclosed by the patient, that Gurdeep Singh was pushed from third floor of his house.

7. Even otherwise, the present petition has been filed by the petitioner in August 2021 i.e after about 01 years of the fall of Gurdeep Singh from his roof. Even, Gurdeep Singh, since deceased was admitted in the private hospital by his own family members/relatives and it is not the case of the petitioner that he was taken to the private hospital by the police officials. Even before the private doctors/multispeciality hospital, they had mentioned that it was a case of fall from third floor of the house and nothing has been alleged against any of the police officials. Still further, the matter has already been examined by the police at Sirsa (Haryana) and as well as at Police Station Gardiwal, District Hoshiarpur (Punjab) and it was found that no offence was made out against any one and Gurdeep Singh, since deceased had died due to Covid-19/Corona.

8. Thus, the present petition is meritless and deserves to be dismissed.

9. However, the petitioner is at liberty to avail, her alternative remedy, if any, in accordance with law in this regard.

10. The present petition stands disposed off.

(N.S.SHEKHAWAT)
JUDGE

25.09.2023

hitesh

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