

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

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**CWP-13500-2017
Date of Decision: 11.09.2023**

VIRENDER SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking reinvestigation/further investigation by Central Bureau of Investigation in FIR No.58 dated 15.03.2014 under Sections 306, 120-B, 506 of IPC, registered at Police Station Kundli, District Sonapat.

The grievance espoused by the petitioner is that the accused persons were mentally harassing the father of the petitioner continuously under a conspiracy to grab the land of petitioner's father. A complaint had been submitted by the deceased Rajender Singh (father of the petitioner) to the police on 19.06.2013 but no action was taken thereupon. Father and uncle of the petitioner also instituted civil and criminal cases against the accused persons and had obtained stay in their favour, however, the private respondents continued in their nefarious activities despite the stay granted by the Civil Court. So much so, various persons entered into the premises of the petitioner

and started threatening the petitioners to vacate the land and to hand over the possession to the respondent-Company. The abovesaid incident was also reported to the Superintendent of Police, Sonapat by the wife of Nafe Singh on 30.11.2013 and another complaint was submitted in December 2013 when employees further intimidate the family members of the petitioners. Consequent upon such repeated acts of threatening and harassment, the father of the petitioner committed suicide by consuming poison. The abovesaid FIR No.58 was registered qua the abovesaid incident. It is contended that Investigating Agency connived with the accused persons and had submitted a cancellation report in the matter without conducting a fair and impartial investigation.

Reply by way of affidavit of Mukesh Kumar, HPS, Deputy Superintendent of Police, Head Quarter, Sonapat dated 15.01.2018 had been filed before this Court, wherein it was stated that the investigation conducted by the Investigating Agency was impartial, fair and transparent. It is averred that autopsy on the body of deceased Rajender Singh was conducted by the doctors, who opined that the cause of death is likely to be 'due to coronary artery disease' and the same is a natural cause. The further opinion qua cause of death was reserved till receipt of analysis by the chemical examiner (viscera report). The viscera report was thereafter sent to the FSL, Madhuban, Karnal/PGIMS Rohtak for chemical examination. In the report so received, it was mentioned that chemical test and techniques were employed to detect common gaseous and volatile poisons, metallic poisons, inorganic poisons, plant poison, pesticides and drugs and based upon the examination carried out in the laboratory, it was opined that no common poison could be detected.

The abovesaid Viscera report was produced before the doctors concerned of the Department of Forensic Medicine and it was opined that no

common poison could be detected in the contents of the viscera. The abovesaid histopathology report was considered by the doctors at PGIMS, Rohtak, who opined that the cause of death was 'due to coronary artery disease' which is a natural cause and not on account of consumption of any poisonous substance due to any harassment.

After conducting investigation and collecting evidence, there was no material found on record that the deceased was in any way harassed or humiliated by the private respondents or that any pressure or abetment was caused by any act or omission on their part. The cause of death being natural, the cancellation report was prepared and submitted before the Illaqa Magistrate on 13.05.2016. It is pointed that the petitioner is seeking time to file a protest petition before the Illaqa Magistrate and that the acceptance of the cancellation report is pending on the said count. Counsel for petitioner acknowledges the pendency of the aforesaid cancellation report.

He, on instructions of Nafe Singh, submits that as disputed questions arise for determination in the present petition, he does not press the instant petition at this stage, so as to pursue his remedies before the trial Court, in accordance with law.

Disposed of as not pressed at this stage, with liberty to the petitioner to approach the trial Court for espousing his grievance and/or to exhaust other remedy(ies), if any, in accordance with law.

SEPTEMBER 11, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No