

240

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

**CRM-M No. 41241 of 2020 (O&M)
Decided on : February 27, 2023**

Sarabjit Kaur.

..... Petitioner

Versus

State of Punjab and others.

..... Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. G.S. Bal, Senior Advocate with
Mr. J.S. Randhawa, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. S.P.S. Sidhu, Advocate
for respondent nos.7 to 9.

NAMIT KUMAR, J. (Oral)

The present petition has been filed under Section 482 of Cr.P.C. Seeking directions to the official respondents to register FIR regarding murder of Jaswinder Singh, husband of the petitioner, on the intervening night of 25th and 26th of June, 2020 and to get the matter investigated by Special Investigating Team or in alternative, prayer has been made to handover the investigation of the present case to CBI.

In pursuance to the order dated 08.12.2022 passed by a Coordinate Bench of this Court, affidavit of Mr. Surinderpal Singh Parmar, IPS, Inspector General of Police, Bathinda Range, Bathinda has been filed. In para no.3 thereof, it has been stated that Special Investigating Team was constituted vide office order dated 26.12.2022 consisting of Sh. Ajay

Gandhi, IPS, Superintendent of Police (Investigation), Bathinda, being Chairman; Sh. Narinder Singh, PPS, Deputy Superintendent of Police (Rural), Bathinda, being Member and Shri Davinder Singh, PPS, Deputy Superintendent of Police (Investigation), Bathinda, being Member and following directions were issued to the SIT:-

xxx xxx xxx xxx

“ (a) Examine all the earlier documents/official orders / inquiry reports and conclusions drawn therefore.

(b) Record the statements of complainants, alleged respondents, witnesses and any other person/s, as it deem fit.

(c) Examine all the medical/ Forensic and other related scientific evidence.

(d) Visit the alleged scene of incident/ crime to procure to vital clues if any. ”

xxx xxx xxx xxx

Further para nos. 4, 5 and 6 of the aforesaid status report reads as under:-

xxx xxx xxx xxx

“ 4. That during the course of inquiry proceedings, statements of Smt . Sarabjit Kaur widow of Jaswinder Singh deceased, Joginder Singh Son of Jangir Singh, Beant Singh Son of Balveer Singh, Gurpreet Singh son of Gurcharan Singh, Jujj Singh son of Ajmer Singh, Gurcharan Singh son of Kartar Singh, all residents of village Hariewala , District Moga and Sukhwinder Singh son of Anoop Singh , resident of village Kakhamwali , District Sri Muktsar Sahib were recorded by the SIT. Apart from this, the statements recorded by Deputy Superintendent of Police (D), Moga were also examined by the SIT .

5. That from the inquiry, it is found that as per the post - mortem report of deceased Jaswinder Singh, six injuries were observed by the doctor and the same are as follows :-

1. IW of size 5 x 1 cm on the frontal region in centre . On dissection , bone is intact, blood clot present in the cranial cavity.
2. LW of size 1.5 x 0.5 cm on the right side of forehead.
3. Abrasion of size 6 x 1 cm on right parietal region.
4. Abrasion of size 1 x 1 cm on the right forearm.
5. Abrasion of size 2 x 2 cm on the right knee.
6. Contusion of size 2 x 2 cm on the right deltoid region.

*As per the report of the Special Inquiry Team (SIT), the injuries on the person could not be a result due to a fall further due to slip in the water tank. As per the post - mortem report, height of the deceased was 78 inches . The said water tank was also examined by the SIT and it is found that it is impossible to be drowned in such a water tank. The place of occurrence is situated at a distance of 25-30 karams from where the link road leads from village Hariewala towards village Mahlla. There are discrepancies also in the statements of Gurcharan Singh son of Kartar Singh and Gurpreet Singh. Apart from this, the Call Detail Records of the mobile phone number of deceased as well as the respondent party were not collected. Although no specific evidence has come against the respondent party regarding the murder of Jaswinder Singh, but it seems that Jaswinder Singh has not died while taking bath in the water tank and did not sustain head injury due to slip in the water tank and the iron pipe hit in his head. **So as per the finding of the SIT that Jaswinder Singh has been murdered. So SIT made a recommendation that a case may be registered against the unknown persons and investigation should be conducted.** During the course of investigation , if solid proofs come on file against the respondent party, then action should be taken accordingly.*

6. *That SIT submitted its inquiry report no.371/Litigation / SP (Inv) dated 25.01.2023 to the deponent. The inquiry report was perused carefully by the deponent and certain comments were raised by the answering respondent vide office letter no. 738 / Litigation / BTA - R dated detailed report 01.02.2023. A inquiry 371 / Litigation (Investigation) dated 16.02.2023 has been submitted by the SIT. The true translated copy of inquiry report of the SIT is annexed herewith as **Annexure R - 1 / T.** ”*

xxx xxx xxx xxx

In the Inquiry Report dated 16.02.2023 (**Annexure R-1**), it has been stated that on perusal of the *post mortem* report of the deceased - Jaswinder Singh, medical opinion and spot visit, the Special Investigating Team came to the conclusion that the deceased- Jaswinder Singh had not died while taking a bath in the water tank and he fell down due to slip in the water tank and his head struck into the iron pipe of the tubewell rather the deceased- Jaswinder Singh, has been murdered. Consequently, it was recommended to register a case against the unknown persons and the matter be investigated thoroughly and during the investigation, if any concrete evidence came on file against the opposite party, then appropriate action be taken after following the legal procedure.

In view of the above, the instant petition has been rendered infructuous and the same is disposed of, accordingly.

February 27, 2023
mkkoundal

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No