

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

CRM-M-60102-2022
Date of Decision: 26.04.2023

NARINDER KAUR

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Avtar S. Khinda, Advocate
for the petitioner.

HARSH BUNGER, J. (ORAL)

The petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, for directing respondents No.2 to 4 to conduct fair investigation in case FIR No.61 dated 11.07.2022, registered under Section 304-A of the Indian Penal Code, 1860, (for short 'IPC') at Police Station Khilchian, District Amritsar (Rural) (Annexure P-3).

2. Briefly, it is the case of the petitioner that her son namely, Charanjit Singh was married with one Nirlep Kaur, daughter of Santokh Singh resident of Shero Nigah, Tehsil Baba Bakala, District Amritsar, on 11.04.2019. It is stated that Charanjit Singh was doing government job in the Veterinary Department as Veterinary Inspector; however, he was un-necessarily being harassed by his in-laws' family on one pretext or the other and in this regard, said Charanjit Singh had submitted an application dated 11.06.2020 against his in-laws' family, wherein, it was specifically stated that his in-laws had threatened to kill him and were pressurizing him to give divorce to his wife. It is stated that on 16.01.2021, the in-laws' family of the deceased son of the petitioner have

given injuries to Charanjit Singh and even Medico Legal Report was prepared.

3. The petitioner has stated in the petition that on 10.07.2022, he had received a phone call that her son Charanjit Singh, had met with an accident at Khilchian; accordingly, the younger son of the petitioner namely, Gurpreet Singh reached at the spot and informed the police officials that it was not a case of road accident; rather his brother has been killed. It is stated that subsequently, the petitioner came to know that one FIR was registered under Section 304-A IPC vide FIR No.61 dated 11.07.2022 at Police Station Khilchian, District Amritsar (Rural) (Annexure P-3).

4. It is also stated in the petition that the police officers had got the signatures of the younger son of the petitioner namely, Gurpreet Singh on some documents and after three days from the date of occurrence/incident, they came to know that an FIR was registered under Section 304-A IPC at Police Station Khilchian. It is stated that thereafter, the petitioner submitted a representation dated 28.10.2022 (Annexure P-5) before the Senior Superintendent of Police (Rural), District Amritsar; however, no action has been taken thereupon till date. Accordingly, the petitioner has filed this petition, seeking a direction to respondents No.2 to 4, to conduct a fair investigation in case FIR No.61 dated 11.07.2022, registered under Section 304-A of the Indian Penal Code, 1860, at Police Station Khilchian, District Amritsar (Rural) (Annexure P-3).

5. In this case, status report dated 22.03.2023 by way of an affidavit of Shri Harkrishan Singh, P.P.S. Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) on behalf of respondents

has been filed, wherein it is stated as under :-

“2. That the brief and relevant facts of the case are that the aforesaid FIR No.61 dated 11.07.2022 was registered on the basis of the statement dated 11.07.2022 of Gurpreet Singh son of Santokh Singh, who had alleged therein that on 10.07.2022 at about 11:00 PM, his brother Charanjit Singh, who was working as a Veterinary Inspector, was returning home at village Pheruman on his motorcycle and he was following him on another motorcycle and when his brother was about to cross bridge of Khilchian, a high speed bus No.HR-38-AB-0015 hit the motorcycle of his brother and his brother died on the spot in the aforesaid accident and the driver of the bus fled away from the spot. The detailed facts mentioned in the aforesaid statement is reproduced in true translation of FIR attached with the petition as Annexure P-3, which may kindly be read as part of this paragraph, as same is not repeated for the sake of brevity.

3. That after the registration of FIR, an investigation was commenced by S.I. Nishan Singh No.889/TTN, who inspected the place of occurrence, prepared an inquest report (Form No.25.35) and recorded the statement of witnesses on the spot.

4. That the post mortem examination of the deceased Charanjit Singh was conducted at PHC Baba Bakala Sahib, Amritsar vide Post Mortem Report No.476/AP/CHBBS/JULY 2022 dated 11.07.2022.

xxx

xxx

xxx

Opinion :-Cause of death in my opinion is injury to brain, which is sufficient to cause death in its ordinary course of nature.

Nature of Weapon/Force :Blunt

How the injury would be caused : RSA

Probable time

a. between injury and death : Immediate

b. between death and post mortem examination: Within 24 hours.

5. That the driver of the aforesaid bus No.HR-38-AB-0015 namely Lakhwinder Singh was arrested on 19.07.2022. He was released on bail after his furnishing bail and surety bonds to the satisfaction of Investigating Officer as the offence was bailable in nature.

6. That it is humbly submitted that the investigation of the case has been conducted in a through professional manner as per the standard procedures envisaged under the Punjab Police Rules, 1934 and Criminal Procedure Code without any prejudice, bias or ill-will. During the investigation so far, no evidence relating to any foul play by In-laws of the deceased Charanjit Singh regarding his death as alleged by the petitioner has been found and it has been found to case of purely an accidental death. The representation dated 28.10.2022 (Annexure P-5) filed by the petitioner in the office of the respondent No.3 through the registered post has been forwarded by him to the respondent No.4 to consider and verify the facts alleged by the petitioner during the course of investigation.”

6. Learned counsel for the petitioner has re-iterated the submissions made in the petition and has submitted that the necessary directions may be issued to respondents No.2 to 4 to conduct fair investigation in case FIR No.61 dated 11.07.2022, registered under Section 304-A of the Indian Penal Code, 1860, at Police Station Khilchian, District Amritsar (Rural) (Annexure P-3) and in this regard, the petitioner has already submitted representation dated 28.10.2022 (Annexure P-5); however, no action has been taken thereupon.

7. On the other hand, learned State counsel, while referring to the status report, has submitted that a fair investigation has already been

conducted in this matter as per law, without any prejudice, bias or ill-will and no evidence relating to any foul play by the in-laws of deceased Charanjit Singh regarding his death, as alleged by the petitioner, has been found. Learned State counsel further submitted that as per the investigation, it is purely an accidental death; however, it is stated that as per status report, the representation (Annexure P-5) has been forwarded to respondent No.4 (Station House Officer, Police Station Khilchian).

8. I have heard learned counsel for the parties and have perused the paper book as well as status report.

9. As per the status report, the investigation has been carried out in case FIR No.61 dated 11.07.2022, registered under Section 304-A of the Indian Penal Code, 1860, at Police Station Khilchian, District Amritsar (Rural) (Annexure P-3) and the death of Charanjit Singh has been found to be purely on account of his accident with Bus No.HR-38-AB-0015; however, it is also stated in the status report that representation dated 28.10.2022 (Annexure P-5) filed by the petitioner in the Office of Senior Superintendent of Police (Rural), Amritsar, has been forwarded to Station House Officer, Police Station Khilchian, District Amritsar (Rural) for considering and verifying the facts as alleged by the petitioner.

10. In view of the fact that representation dated 28.10.2022 (Annexure P-5) filed by the petitioner is stated to be pending consideration before respondent No.4-Station House Officer, Police Station Khilchian, District Amritsar (Rural) and without expressing any opinion on the merits of the claim made by the petitioner, this petition is disposed of with a direction that the afore-said representation (Annexure P-5) be decided expeditiously and in any case, not later than six weeks from the date of

receipt of certified copy of this order and decision thereon be conveyed to the petitioner.

11. Disposed of accordingly.

April 26, 2023
gurpreet

(HARSH BUNGER)
JUDGE

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