

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

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**CWP-14665-2018 (O&M).
Date of Decision: 11.12.2023.**

GURCHARAN SINGH

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: None for the petitioner.

Ms. Niharika Shama, AAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The present writ petition has been filed for seeking issuance of directions to the respondents to look into the representations (Annexures P-4 and P-6) dated 27.10.2017 and 28.12.2017 respectively as regards the death of the son of the petitioner.

It has been averred that son of the petitioner namely Harwinder Singh had joined the Indian Army in the year 2008 and was serving under Army No.4487913F. His matrimonial alliance was finalized with one Amandeep Kaur of Ludhiana and their marriage was fixed for 07.02.2018. After expiry of the leave, the deceased started from his home well in time but he did not report on duty. A telephone call was thereafter received by

the petitioner on 01.09.2017 from the SHO, Police Station, Pathankot who informed that dead body of his son Harwinder Singh has been recovered from Room No.107, Hotel Parag, Pathankot. A DDR No.40 dated 02.09.2017 was recorded under Section 174 of the Code of Criminal Procedure and the statements of the petitioner and other relatives were also recorded.

The present writ petition has been filed alleging that there was some foul play and that it was, in fact, a case of murder and not a case of suicide.

Reply by way of affidavit of Sukhjinder Pal Singh, PPS, Deputy Superintendent of Police, Pathankot, District Pathankot, dated 31.12.2018 on behalf of respondents No.1 to 4 had been filed wherein it was averred that a thorough inquiry was conducted on the representations of the petitioner and the D.O. letters issued by the Army Officer. It was concluded that deceased Harwinder Singh son of Gurbachan Singh was staying at Hotel from 30.08.2017. He used to leave the hotel room early in the morning and would come back only at night. However, he did not come out of the room and was not opening the door. When the door of the hotel room was opened, the body of deceased Harwinder Singh was found hanging with a plastic rope. Photographs of the place of occurrence were taken by ASI Balwinder Singh on his mobile phone and videography was also carried out. The articles of the deceased were seized that contained a ticket. The Post Mortem Examination of the deceased was conducted and nothing incriminating was found. The cause of death was stated to be asphyxia due to hanging which is sufficient to cause death in the ordinary

course of nature. Statements of the petitioner as well as of other relatives of the deceased were also recorded wherein they have stated that they are having no doubt or suspicion against anyone. No incriminating material was found from any evidence or statements including from the perusal of the CCTV footage.

Status report by way of affidavit of Rajinder Singh, Deputy Superintendent of Police (City), Pathankot, Punjab, dated 19.01.2022, was also filed wherein it was again reiterated that no incriminating material was found and the application submitted by the petitioner about the investigation in the death/suicide case by the Harwinder Singh had been duly inquired into including the verification of the data retracted from the SIM Card used by the deceased and there was nothing suspicious found from the data retracted.

Even though the status report had been filed on 19.01.2022, however, no rejoinder has been filed by the petitioner to the reply dated 31.12.2018 as well as to the status report dated 19.01.2022.

Learned State counsel submits that report regarding inquest proceedings under Section 174 Cr.P.C. was submitted which was accepted on 16.09.2018.

Taking into consideration the aforesaid developments as also the fact that the status report filed by the respondents do not indicate any evidence or any suspicious evidence as would indicate that apprehensions expressed by the petitioner may be well founded, I find that on account of insufficient material available with the respondents no ground is made out

for issuing any further directions. The representations submitted by the petitioner have already been considered and inquired into.

The present petition is accordingly disposed of as having been rendered infructuous.

The petitioner is, however, at liberty to pursue the alternative remedies available to him, if any, in accordance with law.

December 11, 2023
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(VINOD S. BHARDWAJ
JUDGE

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