

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

112

CRM-M-32157-2018

Date of Decision : October 22, 2024

DHARMENDER AND ANR

-PETITIONERS

V/S

STATE OF HARYANA AND ORS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Shalender Mohan, Advocate and
Dr. Purushotam, Advocate
for the petitioners.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, prayer is made for transfer of investigation of FIR No.03 dated 05.01.2018, under Section 3 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, and, Section 302 of the IPC, registered at P.S. Bass Hansi, Hisar, to the Central Bureau of Investigation or any other independent agency.

2. Upon issuance of notice, the learned State counsel filed a status report dated 16.11.2023, on affidavit of Ravinder Sangwan, Deputy Superintendent of Police, Narnaund, District Hisar. The relevant portion of the status report, wherein becomes enclosed the mode and manner of investigation conducted in the present FIR, is reproduced hereunder:-

“3. That, on dated 05.01.2018 in proceedings under section 174 Cr.P.C. in respect of Mangal Singh deceased was conducted by SI Devender Singh of Police Station Bass. Post-mortem of the

deceased Mangal was got conducted by a board of doctors consisting of Dr. Vijay Sarup, Medical Officer and Dr. Sandeep Kumar, Medical Officer of Civil Hospital, Hansi. The board of doctors opined the cause of death as under:-

“In my opinion the cause of death is due to hemorrhage and shock as a result of head injury which is sufficient to cause death in an ordinary course of nature.”

4. That, on dated 05.01.2018, Scene of Crime Team of Forensic Science Team visited and inspected the place of occurrence. During this exercise material evidence at the place of occurrence i.e. bricks and one jacket stained with blood and lying near the dead body were taken in police possession, and two mobile phones (one Samsung and one Nokia) were recovered from the pocket of the deceased, were taken in police possession vide separate recovery memo.

5. That after registration of case, investigation of this case was conducted by the answering respondent No. 4 i.e. Deputy Superintendent of Police, Narnaund. During the course of investigation of the case on 07.01.2018, Rohit @ Monu son of Prem Singh, Rajesh Kumar @ Khaddu son of Satyavir, Sunil @ Kalia son of Kapoor Singh, Pinki wife of Radhey Shyam and Sant Lal son of Shri Ram, on 08.01.2018, Vikram son of Karambir and Nav Rattan son of Bheel, on 12.01.2018, Raman son of Ishwar and Vikash son of Azad, on 16.01.2018, Kuldeep son of Pawar, Banti son of Godu and Rahul son of Krishan, on 21.01.2018, Monu @ Rohit son of Prem Singh and Bheel son of Bhikhu Ram, on 26.01.2018, Vinod son of Om Parkash and Azad Singh son of Surjan, were joined in the investigation of the case.

6. That, vide the Superintendent of Police, Hansi's order No. 1677-81 dated 02.02.2018 a Special Investigation Team has been constituted which is headed by the Deputy Superintendent of Police, Narnaund (the answering respondent) and comprising Inspector Narender Singh, CIA Hansi, ASI Dharm Pal No. 571, CIA Hansi and Incharge, Cyber Security Cell, DPO, Hansi. Call details of mobiles of deceased Mangal and other suspected persons have also been procured and analyzed in scientific manner and the suspects of the case were inquired about the calls made by them at the phone of deceased.

7. That, investigation was carried out by PSI Vikram Joshan Incharge CIA Hansi from 27.09.2018 to 25.11.2018 but could not find any clue trace out the accused. Further investigation was carried out by Inspector Kaptan Singh Incharge CIA Staff Hansi. During the course of investigation of the case on 02.12.2018, Rohit son of Prem Singh, Nav Rattan son of Bheel, on 29.12.2018, Raman son of Ishwar and Vikash son of Azad, on 17.01.2019, Kuldeep son of Pawar and Banti son of Godu, on 02.02.2019, Rahul son of Krishan and Jaswant @ Riku son of Satyawan, on 13.02.2019, Chandi son of Bheel and Rajesh son of Satyavir, were joined in the investigation of the case but no clue was made out regarding accused. On dated 22.03.2019 onwards investigation was carried out by Inspector Amit Kumar Incharge CIA Staff Hansi. On 20.04.2019, Dharmender son of Ramswaroop and Raman son of Ishwar, on 15.06.2019, Navrattan son of Bheel and Rohit @ Monu son of Prem Singh, on 20.07.2019, Rajesh son of Satbir and Vikash son of Azad, were joined in the investigation of the case but no evidence came up during the investigation as to who had murdered the deceased Mangal.”

3. Today, the learned State counsel has, on instructions imparted to him by A.S.I. Naresh Kumar, informed this Court that, a Cancellation Report has already been presented before the learned Additional Sessions Judge, Hisar, on 21.05.2024, and now, the case is fixed for 16.12.2024, for the filing of protest petition if any, and, for appearance of the complainant.
4. On account of the supervening events (supra), this Court refrains from passing the asked for directions, however, liberty is reserved to the petitioners to raise their grievance, if any, before the learned Additional Sessions Judge concerned.
5. Disposed of accordingly.

October 22, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned
Whether Reportable

:
:

Yes/No
Yes/No