

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27417-2023

Satish KumarPetitioner
Vs.
State of Punjab and OthersRespondents

Reserved On.: 22.04.2024
Pronounced On: 24.04.2024

CORAM: - HON'BLE MR. JUSTICE DEEPAK GUPTA

Argued By: Mr. Sunil Agnihotri, Advocate
for the petitioner.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Mr. Balbir Singh Jaswal, Advocate
for the complainant.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C., petitioner prays for directing further investigation/re-investigation in case FIR No.0117 dated 13.06.2021 under Sections 304-A, 279, 427 of the IPC registered at Police Station Kathu Nangal, District Amritsar.

2. Status report as filed by the respondent- State would reveal that FIR has been lodged on the basis of statement made by Jasbir Kaur wife of Malkeet Singh, as per which her husband Malkeet Singh, who was posted as Home Guard at Police Station Majitha, Amritsar Rural had informed her on telephone on 12.06.2021 at about 10:30 p.m. that he was about to return home within sometime after finishing his duty. However, her husband did not return. The family members searched for him. Dead body of Malkeet Singh was found

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near Village Fattu Bhilla. It was alleged by the complainant that some unknown vehicle had hit her husband resulting in his death.

3. Necessary investigation was conducted. Inquest report was prepared. Post-mortem examination of the deceased revealed 08 injuries on his person, which were opined to be ante-mortem in nature and sufficient to cause death in the ordinary course of nature. During further investigation, Swift car bearing No.PB-07-BS-8149 was traced with the help of CCTV footage and it was found that it was being driven by the petitioner. One Gurmej Singh also approached the investigating agency informing that he was working in the Punjab State Board Corporation Limited and that on 12.06.2021 at about 11:15 p.m. he was coming back to his home, when he had seen a car hitting a motorcycle. As the car stopped nearby, he read the number of the car to be PB-07-BS-8149 and when he stopped his motorcycle near the car, the driver drove away the same. Petitioner was arrested on 25.06.2021 and released on bail. After conclusion of investigation, final report under Section 173 Cr.P.C. was filed in the Court.

4. It is contended by learned counsel for the petitioner that FIR was lodged against unknown driver of an unknown vehicle, who had hit the husband of the deceased resulting in his death. However, almost two months after the accident, the police officials have fabricated one Gurmej Singh to be the eye-witness and recorded his statement, which is absolutely not believable and thus, the police officials have converted a blind murder case into an accidental death case. Learned counsel contends that in fact Malkeet Singh had died under suspicious circumstances, as he received 36 injuries and that his motorcycle was totally damaged, which could not be possible with simple hit

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by a Swift car. Learned counsel contends further that statement of Gurmej Singh is quite suspicious, as he had not made any efforts to save the life of deceased Malkeet Singh nor informed about the accident to the police station, which was only 05 km away from the occurrence. With these submissions prayer is made for directing to conduct further investigation in the matter.

5. Learned State counsel has opposed the petition by submitting that final report under Section 173 Cr.P.C. has already been filed against the petitioner after finding him to be involved in the accident, which he caused by his car, which fact has emerged on the basis of CCTV footages of the locality.

6. In the separate reply filed on behalf of the complainant, it is contended that CCTV footages and the photographs would reveal that after the accident, the accused- petitioner became nervous and his car had fallen down in the fields. He called his known people who came to the spot with red jeep and when they failed to pull the car of the accused, they called a tractor from the nearby village, which ultimately pulled the car of the petitioner. All this was captured in the nearby CCTV footage. Some of the photographs showing the vehicles, time and date are Annexure C-1. Learned counsel for the complainant further drawn attention towards Annexure C-2, the call detail records so as to contend that after causing the accident, petitioner had called to his known persons and that his location at the time of accident is shown near the place of accident.

7. Replying to the aforesaid contention, learned counsel for the petitioner has drawn attention towards the statement of Gurmej *Annexure P4* made during the proceedings before MACT, Amritsar regarding the same

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accident so as to contend that he is not reliable, having made a contradictory statement.

8. Having considered submissions of both the sides, this Court is not inclined to accept this petition. No doubt that FIR was lodged by the wife of the deceased against unknown driver of an unknown vehicle, who had allegedly hit the deceased. However during investigation, the CCTV footages have been collected revealing that it is the Swift car of the petitioner, which was involved in the accident and his presence has been found to be near the place of accident. Not only this, one eye-witness Gurmej also got recorded his statement to have witnessed the accident. The question as to whether the statement of said Gurmej is trustworthy or not; or as to whether the evidence collected during investigation to connect the petitioner with the accident, is reliable or not, are all subject-matter of trial. Admittedly, after concluding investigation, challan has already been filed. Petitioner can raise the pleas taken in this petition during trial at appropriate stage.

9. Consequently, this Court finds no merit in the present petition and as such, the same is hereby dismissed.

(DEEPAK GUPTA)
JUDGE

April 24, 2024
Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No