

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116

CRM-M-9940-2017
Date of decision: 10.04.2024

SONU KUMAR SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Saurabh Singh, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. Ravinder Gill, Advocate for
Mr. Vikas Bali, Advocate
for respondents No.5 to 7.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, under Section 482 Cr.P.C, a prayer is made to invoke the inherent power of this Court for issuance of directions upon official respondents, to fairly investigate the death of father of the present petitioner, who has died under mysterious circumstances.

2. On 12.03.2024, the following order was passed:-

"Through the instant petition, a prayer is made to invoke the inherent power of this Court for issuance of directions upon official respondents, to fairly investigate the death of father of the present petitioner. As per the petitioner, his father died in mysterious circumstances. This matter is pending consideration since the year 2017.

Today, learned State counsel on instructions imparted to him by ASI Mahinder Singh, submits that the enquiry is still pending, and

*no final decision has been taken so far. This Court is unable to comprehend the manner in which the Punjab Police is proceeding in the instant matter. First of all, no reason has come forth as to why there being a specific information regarding commission of cognizable offence, no FIR has been registered so far. This is a clear cut violation of the plea raised in the judgment rendered by the Hon'ble Supreme Court in **Lalita Kumari Vs. Govt. of India SC (2013) (4) RCR Criminal 979**. Further it is also informed that the enquiry is being conducted at various levels, and forensic reports are also concluded during enquiry.*

Let the Senior Superintendent of Police concerned file his personal affidavit explaining therein, that how come, without registration of an FIR, the enquiry is being conducted by the Punjab Police, that too, when there are allegations of death of a person in mysterious circumstances. He shall also give detail of the enquiry as on today, as conducted, alongwith the information asked for by this Court.

Adjourned to 10.04.2024.

To be shown in the urgent list.

In case the Superintendent of Police concerned failed to file the affidavit he shall cause his personal appearance on the next date of hearing.

3. In compliance to the above order, status report by way of affidavit dated 10.04.2024, of Sh. Balram Rana, PPS, Superintendent of Police (Inv), GRP Ludhiana has been filed on behalf of respondents No.1 to 4. The same is taken on record.
4. A perusal of the reply reveals that after inquiry, which was being conducted by the Investigating Officer, it is stated therein that the father of the present petitioner has died due to the injuries received by him in a train accident.
5. Learned counsel for the petitioner though has tried to built up a case

before this Court, that it is a homicidal case, and not a train accident case, but this Court cannot, through exchange of affidavit(s) conclude that it is a case of homicidal death, and not that of a train accident.

6. At this stage, learned counsel for the petitioner seeks permission of this Court to withdraw the instant petition, however with liberty to take an alternate remedy as available under the law, for redressal of his grievance.

7. The instant petition is ordered to be **dismissed as withdrawn** with the liberty aforesaid.

10.04.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No