

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-28843-2023(O&M)

Date of Decision:-03.04.2024

Kuldeep Kaur.

.....Petitioner.

Vs.

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. G.S. Dhindsa, Advocate for the Petitioner.

Mr. Mohit Saroha, AAG Punjab.

Mr. Nitesh Jhajria, Advocate for

Mr. Ishan Dogra, Advocate for the respondent no.5.

JASJIT SINGH BEDI, J.(ORAL)

CRM-13874-2024

Allowed as prayed for.

Document annexed along with the application is taken on record as Annexure P-3. The Registry is directed to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-28843-2023(O&M)

The Prayer in this petition under Section 482 Cr.PC is for issuance of the directions to the respondents to investigate the matter and to take appropriate legal action against the accused persons on the basis of the allegations made in the representation dated 03.03.2023 (Annexure P-1) on account of the son of the petitioner having been murdered by some unknown

persons.

2. The brief facts of the case are that on 12.02.2023 the Police Chowki, Phase-6, SAS Nagar received information from the Civil Hospital, Phase-6, Mohali regarding the death of one person namely Mani aged 23 years resident of Balongi, SAS Nagar, Mohali. The police personnel proceeded to the spot. ASI Kuldeep Singh verified the dead body on the gate of the mortuary as that of deceased Harjinder Singh. Gurmail Singh father of the deceased and Gurvinder Singh uncle of the deceased met the ASI. Gurmail Singh got recorded his statement before the ASI and put his signatures thereon. On the basis of the aforementioned statement, General Diary No.11 dated 12.02.2023 was recorded at Police Station Phase-1, SAS Nagar, Mohali.

3. The statement of Gurmail Singh son of Amar Singh was recorded under Section 175 Cr.PC wherein he stated that his son was a drug addict who had died natural and sudden death. He did not have any doubt on anyone and nor did he want to take legal action against any person. The said statement is reproduced as under:-

“ Statement of Gurmail Singh, Son of Amar Singh, resident of House no. 378, Adarsh Colony, Balongi, SAS Nagar aged about 54 years, Mobile no.-9872663378. Statement under section 175 Cr.P.C.

Stated that I am the resident of the above-mentioned address he is having a shop of confectionary at Balongi and is having two sons and two daughters. He further stated that elder daughter is Gurpreet kaur and she is married and the younger daughter is Jasbir Kaur, than I have a son namely Gursewak Singh who is younger to the sisters and the youngest son is Harjinder Singh @ Mani, aged about 23 years is working at the parking of Civil Hospital, Phase-6, Mohali and he used to stay there only at night, he was drug addicted and used to take drugs secretly. Today on 12.02.2023 at around 7 AM, the supervisor of Harjinder Singh

came at our house and informed us that Harjinder Singh has been admitted to Civil Hospital, Phase-6, Mohali as he was not feeling well. I went to emergency of Civil Hospital, Phase-6, Mohali with him where the doctors declared my son Harjinder Singh as dead. I have seen the dead body in Mortuary of Civil Hospital phase 6, Mohali and the same is of my son Harjinder Singh @ Mani. He further stated in his statement that my son Harjinder Singh has died natural and sudden death and he has no doubt on anyone and he do not want any legal action against any person.

*Kuldeep Singh, ASI
Sd/-
Police Chowanki, Phase 6, Mohali
Dated 12.02.2023."*

*Gurmail Singh
Sd/s*

4. The post mortem of the deceased was conducted on 12.02.2023 and as per the same no abnormality was detected in the body of the deceased. It was further written in the post mortem report “ **Mark of inject prick present on the medical aspect of left wrist joint with surround area around prick bluish bruised**” and the cause of death was kept pending till the receipt of the chemical examiner.

Thereafter the report of the Chemical Examiner was received as per which it was held that “**possibility of death due to drug overdose cannot be ruled out.**”

5. The Police Post Incharge, Phase-6, Mohali vide his letter dated 09.03.2024 has written to the SMO, Civil Hospital, Phase-6, Mohali regarding the death of the deceased and whether he had died due to drug overdose or not. The concerned SMO wrote back stating that the death due to drug overdose cannot be ruled out.

6. The Counsel for the petitioner contends that the deceased Harjinder Singh was working in the parking of the hospital, Phase-6 for the last 4/5 years and Canteen and Shop of the Contractor Dheeraj Dhawan

(respondent no.5). The said contractor did not allow the deceased to take holidays. On 11.02.2023 the deceased had made a call to the petitioner that he would not come in the morning and that he wanted to meet his sister. However, 3 or 4 employees of the contractor came to the shop of the husband of the petitioner and stated that the deceased had been admitted in the hospital due to illness. When the petitioner along with her husband reached the hospital she found that her son's head was bleeding and he had multiple injuries on his person. In this situation on account of shock, the husband of the petitioner signed some blank papers and thereafter, the body was released for cremation. In fact, the son of the petitioner did not take drugs and the question of him having died on account of overdose of drugs did not arise. The investigating agency had not investigated the matter properly despite the petitioner having moved a representation to the respondents on 03.03.2023. He therefore, contends that the representation disclosed the commission of a cognizable offence and the FIR ought to have been registered.

7. The Counsel for the State while referring to the reply dated 11.03.2024 contends that the allegations levelled by the petitioner against the investigating agency are baseless. The statement of Gurmail Singh husband of the petitioner and father of the deceased was recorded under Section 175 Cr.PC in which he clearly said that his son was drug addict and had died sudden and natural death and he had no suspicion against anyone. The post mortem examination took place as per which there were two injection pricks on the left wrist joint suggesting injection of drugs. The report of the chemical examiner was also to the effect that the possibility of death due to drug overdose cannot be ruled out. Therefore, it was apparent that the present case was not one of homicide but that the deceased had died

on account of a drug overdose. He, therefore, contends that the present petition was liable to be dismissed.

8. The Counsel for the respondent no.5 submits that the deceased was a drug addict who had died on account of drug overdose. In fact respondent no.5 had absolutely no grievance against the deceased and the question of committing his murder did not arise. He, therefore, contends that the present petition was liable to be dismissed.

9. I have heard the learned counsel for the parties and perused the record.

10. A perusal of the sequence of events and the inquiry conducted till date would establish that when the deceased was taken to the hospital, the statement of his father was recorded to the effect that his son who was a drug addict had died a natural and sudden death and that he had no suspicion on anyone. Subsequently, the post mortem report and the chemical examiner report would also suggest that the petitioner was a drug addict who in all probability had died on account of an overdose. In fact a perusal of the post mortem report would show no injury on the person of the deceased. In this view of the matter the question of a homicidal death does not arise.

11. In view of the above, I find no merit in the present petition and the same stands dismissed.

12. However, the petitioner is at liberty to avail her available remedies in accordance with law.

(JASJIT SINGH BEDI)

JUDGE

April 03, 2024

Vinay

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