

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

110

CWP-15952-2023 (O&M)
Date of Decision: 05.03.2024

SHANTI DEVI

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

CM-15456-CWP-2023

Allowed as prayed for subject to all just exceptions.

The Annexures P-1 and P-2 are ordered to be taken on record.

Registry is directed to tag the same at appropriate place of the paper book and
page mark the same.

MAIN CASE

Prayer in the present case is for directing the respondents to
constitute an SIT to investigate into the missing of the daughter of the
petitioner and her mysterious death on 11.09.2018.

A status report was called for from the respondent-State. The
same has been filed by way of an affidavit of the Assistant Commissioner of
Police, Licensing and Security, Ludhiana (East). The relevant part of the
same is reproduced hereinafter below:

“3. That the brief factual matrix pertaining to the present case are mentioned hereinbelow for the ready reference of this Hon'ble Court:

- i. That on the 9th of September 2018, a medical ruqqa was received at the Police Station Tibba, Ludhiana, concerning the demise of Sonia, wife of Suraj (hereinafter referred to as "the deceased"). The ruqqa indicated that her death occurred due strangulation at workplace. Subsequently, her lifeless body was preserved at the mortuary of Fortis Hospital, Ludhiana.*
- ii. Subsequently on the 11th of September 2018, the statement of Suraj Rai, husband of Sonia (hereinafter referred to as 'the deceased'), was recorded by ASI Didar Singh under Section 174 of the CrPC vide DDR No.26 dated 11/09/2018. In his statement, Suraj Rai mentioned that he had been married to the deceased for eight years and had a six-year-old daughter named Pari from their marriage. According to his account, the deceased was employed at Fine Dennis Factory in Geeta Nagar, Ludhiana. He narrated that on the 9th of September 2018, around 9:00 AM, he received a distressing call from the factory, informing him that the deceased's Dupatta had gotten entangled in the Razing Machine, resulting in strangulation, and she was immediately admitted to Fortis Hospital Ludhiana. Upon receiving this information, he promptly reached Fortis Hospital, where, unfortunately, she had succumbed. It was emphasized in his statement that the deceased's demise was a consequence of neck strangulation caused by her Dupatta being caught in the Razing Machine. Consequently, he expressed no intent to pursue legal action, attributing the incident to a tragic accident without any fault on anyone's part.*

- iii. *That On the same day i.e. 11th September 2018, the statement of the deceased's mother, Shanti Devi i.e. present petitioner, was recorded wherein she stated that her daughter tragically passed away on the 9th of September 2018 after her Dupatta got caught in the Razing Machine, leading to fatal neck choking. Shanti Devi reiterated in her statement that the demise of her daughter was an unfortunate accident, expressing her wish not to pursue any legal actions in this matter.*
- iv. *That thereupon, the deceased underwent a post-mortem examination at the Civil Hospital, Ludhiana 12/09/2018. The post-mortem report stated the cause of death of the deceased as Asphyxia due to strangulation. It further highlighted that all injuries on the body of the deceased were ante-mortem in nature which is adequate to cause death in the ordinary course of nature. Copy of the Post Mortem Report is annexed herewith as Annexure R -1/1 .*
4. *That on 12/9/2018 the Station House Officer of PS Tibba Ludhiana visited the scene of the incident, which was Fine Dennis Factory in Geeta Nagar, Ludhiana. During this visit, the employees present at the factory premises were questioned. It was revealed that the deceased had commenced working at the factory through contractor Praveen Singh on 07/09/2018. On the day of the incident, 09/09/2018, the deceased was working alongside other employees at the Razing Machine. Around 2:30-2:45 PM, her dupatta got entangled in the machine, causing her to fall from the stool, resulting in her neck being choked or strangled. Another employee, Varinder Kumar, promptly stopped the machine. Subsequently, the deceased was rushed to Fortis Hospital, Ludhiana, where she was declared brought dead.*

5. *That thereupon, a report under Section 174 of the CrPC was submitted before the Ld. Illaqa Magistrate, Ludhiana as per the procedure.”*

A copy of the above status report had been furnished to the counsel for the petitioner who had sought some time to go through the same and assist this Court.

On resumed hearing, learned counsel for petitioner contends that the respondents have acknowledged that the death of Sonia, daughter of the petitioner, had taken place on the said date, however, proper investigation in relation to the cause of death has not been undertaken.

However, the reply shows that the case was enquired into. Further, pursuant to statement of Suraj Rai, husband of the deceased, proceeding under Section 174 of the Cr.P.C. was also initiated vide DDR No.26 dated 11.09.2018 and the statements of various witnesses, including the petitioner were recorded. It stood established on inquiry that Sonia, daughter of the petitioner, had died as a result of her *dupatta* getting entangled in a razing machine leading to her choking. She was taken to the Civil Hospital, Ludhiana where postmortem examination was conducted on her dead body and the cause of death was recorded therein as “strangulation.” The statements of the other employees were also recorded alongwith the statement of petitioner, who had herself specifically narrated that it was an unfortunate accident and that she does not want to pursue any further in the matter. Hence, it is not a case of the daughter of the petitioner missing under mysterious circumstances, rather, it was a case of an accidental and

unfortunate death. Hence, there is no plausible case in which directions be issued to the respondents to constitute an SIT.

The petitioner would, however, be at liberty to pursue her civil rights for seeking compensation on account of death of her daughter at the work place, in a manner known to law, if so advised.

Petition stands disposed of accordingly.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

MARCH 05, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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