

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.40221 of 2023 (O&M)
Date of Decision: 05.04.2024

Mukhtar Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Sajan, Advocate for
Mr. Parveen Chauhan, Advocate for the petitioner.

Mr. Neeraj Madan, Sr. DAG, Punjab for respondent Nos.1 to 4.

Mr. Ranbir Singh Sekhon, Advocate for respondent Nos.6 to 8.

Mr. Narinder S. Lucky, Advocate for respondent No.9.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (*for short* 'Cr.P.C. ') for directing respondent Nos.2 to 4 to conduct fair investigation in FIR No.78 dated 26.07.2023, under Sections 306 & 120-B of the Indian Penal Code, 1860 (*for short* 'IPC'), registered at Police Station Khalra, District Tarn.

(2) In response to the notice of motion, issued by this Court, reply by way of an affidavit dated 22.09.2023 of Sh. Vishaljit Singh, Superintendent of

Police, Investigation, Tarn Taran has already been filed. Para Nos.4 & 5 of the same read as under:-

4. *“That pursuant to the registration of instant case FIR, the Complainant/ Present Petitioner namely Mukhtiar Singh gave one representation bearing no. 1103 A.D.G.P dated 28.08.2023 praying that offence punishable U/s 302 IPC be added in the instant case FIR. The said representation was marked by Senior Superintendent of Police, District Tarn Taran to Deputy Superintendent of Police, Security and Court Coordination, District Tam Taran for Investigation. The Deputy Superintendent of Police, Security and Court Coordination, District Tarn Taran submitted the Investigation report on 07.09.2023 wherein following observations were made:*

- i. *That on 03.07.2023 at about 10:00 PM, Gurlal Singh had consumed a poisonous medicine at his house as a result of which he died. After Gurlal Singh had consumed poisonous medicine, his father (Complainant/ Present Petitioner) Mukhtiar Singh and other family members went outside the house of Gurmit Singh (Respondent No. 6) and started hurling abuses. It is pertinent to mention herein that Gurlal Singh and Gummit Singh had a dispute with regard to money and family members of Gurlal Singh had suspicion that he consumed poisonous medicine on account of non-payment of money by Gurmit Singh.*
- ii. *That on 04.07.2023, Gurlal Singh died at Simran Hospital, Bhikhiwind. After Gurlal Singh's death, a compromise was arrived at between the family members of Gurlal Singh and accused party as per which Rs. 2,00,000/- was paid by accused party to family members of Gurlal Singh.*

- iii. *That during Investigation, it came to light that Gurlal Singh had consumed poisonous medicine at his house. Further, when Gurlal Singh was being taken to Simran Hospital, he refused to take out the medicine from his body. The said fact is corroborated by Dr. Jaskaran Singh Sandhu, Simran Hospital, Bhikhiwind who stated that when Gurlal Singh was brought to the hospital around 10:30 PM, he was in fine condition. Further, there were no injury marks or other marks on Gurlal Singh's body which could indicate that he was given the medicine forcefully. Lastly, Dr. Jaskaran Singh Sandhu stated that if Gurlal Singh was administered the medicine forcefully, he would have made an attempt to take the medicine. However, during treatment, Gurlal Singh refused to take the medicine out.*
- iv. *That the Complainant/ Present Petitioner, in his representation, stated that Gurlal Singh was brought to Simran Hospital in unconscious condition. However, as per the report of doctor, when Gurlal Singh was brought to hospital, he was in fine condition.*
- v. *Hence, no merit was found in the representation given by the Complainant/ Present Petitioner and it was recommended that the said representation be closed and Final Report/ Challan U/s 173 Cr.P.C for offence punishable U/s 306 IPC be prepared and presented before the Ld. Court after arresting all the accused persons.*

5. That agreeing with the Investigation report of Deputy Superintendent of Police, Security and Court Coordination, District Tarn Taran, the Senior Superintendent of Police closed the representation on 08.09.2023.”

(3) Perusal of the above extract reveals that deceased-Gurlal Singh consumed poisonous substance and committed suicide. Also averred in the affidavit that he refused to take the medicines and this fact is corroborated by Dr. Jaskaran Singh Sandhu, Simran Hospital, Bhikhiwind and ultimately, final report under Section 173 Cr.P.C. was prepared and the same has been approved by the Deputy Superintendent of Police, Security and Court Coordination, District Tarn Taran. Even the Senior Superintendent of Police has also closed the representation on 08.09.2023.

(4) In view of the above, no further directions are required to be issued to the official respondents. Hence, the petition is disposed off accordingly.

(5) Needless to say that petitioner would be at liberty to take recourse to the remedy if so available under law and this order be not construed as an express of opinion on merits of the allegation(s) in any manner.

(6) Pending application(s), if any, shall also stand disposed off.

5th April, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No