

233 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-54042-2023 (O&M)

Date of Decision: 19.01.2024

GOVINDA @ SONU

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rishabh Chaudhary, Advocate for
Mr. Aman Pal, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in the present petition is for issuance of directions to the official respondents to transfer the investigation of the FIR No. 07 dated 03.01.2023 (Annexure P-1) registered under Section 25 of Arms Act and Sections 148, 149 and 302 of Indian Penal Code at Police Station Barauda, Sonipat to some other district outside Sonipat District.

2. Learned counsel for the petitioner *inter alia* contends that in spite of the fact that the brother of the petitioner namely Narender Singh had died due to homicidal injuries, local police did not take any action on his complaint and he was compelled to file an application under Section 156(3) of Cr.P.C. and only after the concerned Jurisdictional Magistrate issued the directions, the FIR(supra) was registered. Learned counsel has relied upon the CCTV footage (Annexure P-5) and submits that the deceased left his house after taking his meal and he was seen in the CCTV footage, fighting with the private respondents, who chased the deceased and after killing him, planted his dead body on the railway track, to portray the murder as an accident.

3. Learned State counsel in compliance of the order dated 30.10.2023 passed by this Court filed a detailed reply dated 18.11.2023 by way of affidavit of Narender Singh, HPS, Assistant Commissioner of Police, Gohana-1 on behalf of respondent No. 1-State of Haryana. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner in the Court itself. Learned State counsel submits that the veracity of the allegations contained in the present petition have been thoroughly investigated and after conclusion of the investigation, untraced report dated 01.09.2023 has been prepared. Learned State counsel refers to para Nos. 4 and 5 of the reply to indicate that the post-mortem report and the opinion of the doctor, clearly indicates that the deceased had died in a railway accident. Further, the location of IPDR, CDR and video footage was procured and the private respondents were not found at the place of occurrence. Neither, the private respondents were found involved in the crime and according to the opinion of the doctor, alleged incident occurred due to accident and not due to any homicidal injuries.

4. In view of the facts and circumstances of the present case and also in view of the fact that untraced report has been prepared, no further directions are required to be issued in the present case. Therefore, the present petition is hereby disposed of accordingly.

5. However, the petitioner would be at liberty to invoke his alternative remedies as available to him in accordance with law.

(HARPREET SINGH BRAR)

JUDGE

19.01.2024

Ajay Goswami

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No