



265 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-27710-2024
Date of decision: 05.02.2025

NARESH KUMAR

...PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hemen Aggarwal, Advocate and
 Mr. Dashim Garg, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Prayer in the present petition filed under Section 482 Cr.P.C. is for issuance of directions to respondent Nos.1 to 4 to investigate the case in detail regarding the death of Sahil Aggarwal i.e. son of the petitioner.
2. Learned counsel for the petitioner *inter alia* contends that out of jealousy, the son of the petitioner was murdered by Saurav Goyal and a false narrative has been set by him in order to save himself. He further contends that Saurav Goyal had firstly administered some poisonous substance to son of the petitioner, thereafter, gave injuries and narrated a false story to the local police that a car accident has taken place and intentionally became the first informant. According to the case set up by Saurav Goel, the car in question at the time of accident, was being driven by Mohit Banga. However, Mohit Banga has sworn his affidavit, which is available on record as Annexure P-5, wherein, he has categorically stated that he never accompanied Saurav Goyal and deceased son of the petitioner from Chandigarh in the car in question on



the fateful day and at the time of incident, he was present at Ambala, which proves the complicity of Saurav Goyal in committing murder of deceased son of the petitioner. The petitioner made a detailed complaint dated 18.03.2024 (Annexure P-3) for registration of FIR under Section 302 of Indian Penal Code against Saurav Goyal.

3. *Per contra*, learned State counsel refers to the status report filed on behalf of the respondents and submits that on 13.08.2023, information was received from Indus Hospital, Dera Bassi that a person, namely Sahil Aggarwal has been admitted for treatment, due to injuries sustained in an accident and he succumbed to his injuries on 14.08.2023. Initial history, with regard to the injuries given before the hospital concerned is of the accident. The investigating officer met Saurav Goyal along with his friend Mohit Banga and recorded their statements to the effect that while they were coming from Ambala to Chandigarh at around 4:00 AM, suddenly a stray cow came on the road and in an attempt to avoid hitting the cow, Mohit Banga lost his control over the car, which collided the road divider and over-turned. The passers-by assisted in rescuing them from the car and called an ambulance. The injured along with the deceased son of the petitioner were taken to the Indus Hospital, Dera Bassi in the ambulance. The others have received minor injuries, however, the deceased son of the petitioner suffered serious injuries. Finding no foul-play, the jurisdictional police authorities concluded the proceedings under Section 174 Cr.P.C., which were conducted vide DDR No.22 dated 14.08.2023. Thereafter, inquest report was prepared and post-mortem of the deceased son of the petitioner was conducted. Even Further, the viscera and blood samples of the deceased were sent for chemical analysis, the report of which, is available on record as Annexure R-1 and the conclusion drawn by



the Chemical Examiner is that Ethyl alcohol and drugs were not detected. He further submits that the allegation of the petitioner that his deceased son was administered some poisonous substance, has no basis as the Chemical examiner has not detected any such substance in the viscera or blood samples of the deceased. Further, the occurrence in this case, has taken place on 13.08.2023, and the complainant has made first complaint on 16.05.2024 (Annexure P-3). Further, Mohit Banga has also executed a sworn affidavit by saying that he was present in car, at the time of accident and it appears that the affidavit dated 16.05.2024 (Annexure P-5) was procured from Mohit Banga by the petitioner.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the alleged incident had taken place on 13.08.2023, whereas the petitioner made a complaint on 16.05.2024, after inordinate and unexplained delay. Further, the affidavit of Mohit Banga (Annexure P-5) dated 16.05.2024 does not inspire any confidence. A perusal of para 7 of the same indicates that statement before the jurisdictional police authorities made by him on 14.08.2023 was made under the influence of Saurav Goyal but it is not discernible as to why, he kept mum for such a long period and did not inform either the jurisdictional police authorities or respectable of the society. Furthermore, the chemical examiner report completely demolishes the foundation of the allegations made by the petitioner with regard to administering some poisonous substance to his son, prior to giving him injuries. Moreover, it has been duly established during investigation that the deceased and the injured were taken in an ambulance to Indus Hospital, Dera Bassi on the fateful day.



5. In view of the above discussion, this Court finds no force in the arguments advanced by learned counsel for the petitioner and the present petition stands dismissed being devoid of any merits.

February 05, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |