

**CRM-M-27964-2024****(272)****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-27964-2024****Date of Decision: 04.09.2025****JASJEET SINGH @ MEET****... Petitioner****Versus****STATE OF HARYANA & ANOTHER****...Respondents****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. Namit Khurana, Advocate with
Mr. Prarthana Duggal, Advocate
for the petitioner.

Mr. Vipul Sherwal, Asstt. A.G., Haryana.

Mr. H.S. Ghuman, Advocate
for the complainant.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of the summoning order dated 10.01.2024 (Annexure P-9) passed by the Addl. Chief Judicial Magistrate, Yamuna Nagar at Jagadhri whereby the petitioner has been summoned to face trial for commission of offences punishable under Sections 302/201/120-B IPC in Criminal Complaint No.301 instituted on 28.03.2009 before the Court of the ACJM, Yamuna Nagar at Jagadhri.

2. The brief facts of the complaint are that the complainant had two sons. One son namely deceased Tanjeet Singh, Belt No.950/YNR, was employed as a Constable in Haryana Police and was posted at Yamuna Nagar,



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Haryana. A case bearing FIR No. 135 dated 06- 12-2007 U/S 302, 34 IPC in PS-Sadar Jagadhri was registered by the police, on the directions of the High Court which was ordered in Criminal Petition No.37954 of 2006 vide order dated 13-11- 2007. The marriage of Tanjeet Singh was fixed with Harvinder Kaur, D/o Paramjeet Singh, R/o Sadhora, District-Yamuna Nagar on 16.04.2006. On 06.04.2006, Tanjeet Singh @ Tanni had gone to distribute his Marriage Invitation Cards alongwith his friends namely Rajesh Rana, son of Suresh Rana, Resident of Dalipgarh (Bhur Mandi), Boh Road, Ambala Cantt, Ashwani Kumar Sharma, son of Vijay Kumar Sharma Resident of New Deep Nagar, Ambala Cantt and Deepak Sharma (now accused No. 2 to 4) at about 9:00 A.M. in his car bearing registration No. HR-01-R-6796 Maruti Alto, from Ambala Cantt to Yamuna Nagar. At about 10:30 AM, they distributed the Invitation Cards in Police Line Yamuna Nagar and at about 1:30 P.M., Tanjeet Singh also met with Jasjeet Singh (petitioner), who is the husband of Tanjeet Singh's would be wife's sister i.e. "Saadu"/accused No. 1. Tanjeet Singh was last seen with all the accused persons on the bank of the western Yamuna Kacchi Canal by Jai Narayan @ Kukko Sharma and all of them remained together till Tanjeet Singh took his last breath with them and the above person was an eye witness to the incident when Tanjeet Singh was thrown into the deep water in Western Yamuna Kachchi Canal, near Fatehpur Bridge, which was alleged to be the place of death as per the information given by the accused persons to the complainant. On the same day at about 3:45 PM, the complainant was informed on Mobile No. 9596048602 by



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accused No.2 about the drowning of Tanjeet Singh in the Canal. At that time, Dheeraj Chadda, S/o Ved Prakash, R/o Ekta Vihar was also standing by the side of complainant and all were shocked with this message. The complainant contacted his friend Jagdish Chand, S/o Gurdial Singh, R/o Village-Kardhan, who was running Motor Mechanic Garage at Ambala Cantt, who accompanied the complainant. They reached at the spot at 5.15 PM in a car of Jang Sher Singh alongwith Dheeraj Chadda and Jagdish Chand and saw that many nearby villagers were standing by the side of canal at a distance of about $\frac{1}{4}$ KM from Fatehpur Bridge towards Western Side, where the Alto car of Tanjeet Singh was parked at the bank of river on Northern side. On enquiry, all the four accused persons did not gave any satisfactory reply to the complainant but made all confusing and contradictory statements. They had also not made any effort to save Tanjeet Singh. After sometime, Jagan Nath @ Jagga came with a tube filled with air but by that time, none could trace out Tanjeet Singh. The eye witness Jai Narayan @ Kukko Pandit saw that the accused persons were removing clothes of Tanjeet Singh and were taking him into water by holding his body. At about 6.00 PM, some ladies gave a call to find out a body stuck in the bushes at a distance of about 500M-700M from the alleged place of taking bath by them and then the body of Tanjeet Singh was taken out with the help of other villagers. Jagdish Chand laid down the body of Tanjeet Singh and tried to take out the water or sand from his stomach. However, nothing came out and a false and concocted story was later on, cooked up by the accused persons in connivance with the Local



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Police and Dr. Mangat Ram Passi. The said doctor had later on conducted the postmortem upon the body of Tanjeet Singh, wherein a false report was given in writing that the cause of death in this case was Asphyxia due to drowning. As regards giving poison, the report was to be given after receiving the FSL Report. As per the report of the chemical examiner the Doctor opined that all the samples of the body of the deceased showed a negative result regarding common poison and ethyl alcohol. The said report has been managed as per the choice of accused no.1 in order to save the accused persons because as per the first statement given by them to the police and before the complainant and other members, all of them stated that alcohol had been consumed by them in Gopal Dhaba, Near Yamuna Nagar Police Line. The statement of Kamal Arora was recorded by the police on 22-12-2007 and if the statements of all the accused persons and Kamal Arora were taken to be true then the report obtained from the laboratory of Civil Hospital, Karnal was false and concocted clearly casting a suspicion upon the accused persons. Therefore, the complaint had been filed as the DSP Crime had closed the case and the cancellation report had been submitted to SP, Yamuna Nagar. The mastermind behind this murder was Jasjeet Singh @ Meet, who was having eyes on the property of his in-laws as well as upon the girl, who was to marry Tanjeet Singh. The postmortem report and report of the viscera had been manipulated. A cancellation report had been filed and therefore the complainant was left with no alternative but to file the complaint.



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3. In his preliminary evidence, the complainant examined the following witnesses:-

CW1 : Jai Narayan

CW2 : Pritam Singh.

CW3 : Nirmail Singh.

CW4 : Dheeraj Chadha

CW5 : Jagdish Chand.

4. The complainant had also tendered on record, the documents Annexures C1 to C27. Thereafter, the complainant closed his preliminary evidence. Thereafter, the case was fixed for arguments on the point of summoning.

5. Based on the evidence led, the petitioner and his co-accused came to be summoned to face trial under Sections 302 and 201 read with Section 120B IPC.

6. The aforementioned summoning order dated 10.01.2024 (Annexure P-9) is under challenge in the present petition.

7. The learned counsel for the petitioner contends that the ACJM, Jagadhri without appreciating the evidence, cancellation reports & facts of the case, passed the impugned order dated 10.01.2024, whereby the petitioner alongwith other co-accused was summoned to face trial for commission of offence under sections 302/201/120-B IPC.

The falsity of allegations can be seen from the fact that there is a variation in the allegations levelled in the complaint submitted by respondent no.2 Nirmail Singh to Superintendent of Police, Yamuna Nagar on 12.04.2006



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in which suspicion was expressed against only three accused, namely Rajesh Rana, Ashwini Sharma and Deepak Sharma and in the second complaint submitted to Director Police Crime, Panchkula dated 26.06.2006, in which allegations have been levelled against the petitioner who was working as constable.

The petitioner was not present at the spot when the alleged incident took place. The deceased Tanjeet Singh was caught in a whirlpool in deep waters. As per investigation, drowning of Tanjeet was witnessed by following persons apart from his friends i.e Bhagwan Dass R/s Attawa, Om Parkash & Amar Nath residents of Village Nihani. After the said accident, co-accused Rajesh Rana gave the information to the petitioner telephonically at around 04:10 pm. After about 2-3 hours of the accident, the dead body of the Tanjeet was recovered. In the meantime, family of Tanjeet as well as Petitioner came at the place of scene. Thereafter, proceedings U/s 174 Cr.P.C were conducted and was recorded that incident appeared to be an accident. Thereafter, the family members cremated the body and same was attended by petitioner as well as other co- accused and family of the petitioner too.

The ACJM, failed to appreciate that no poison was found as per the viscera report. Even the statement of diver Sh. Jagannath alias Jagga also confirmed that the death seemed to be an accident and it was not necessary that water would enter his body because of sand and mud in his throat. The petitioner was even subjected to a lie detector test and no evidence was found against him.



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He, therefore prays that the summoning order dated 10.01.2024 (Annexure P-9) and all consequential proceedings arising therefrom ought to be quashed.

8. I have heard the learned counsel for the petitioner and examined the material available on record.

9. The grounds raised by the petitioner in the instant petition seeking quashing of the summoning order dated 10.01.2024 (Annexure P-9) are untenable. Disputed questions of fact and the defence of the accused cannot be appreciated in a petition under Section 482 Cr.P.C. as has been held in the cases of Maksud Saiyed Versus State of Gujarat & others, 2007(4) RCR (Criminal) 406, Koppiseti Subbharao @ Subramaniam Versus State of A.P., 2009(2) RCR (Criminal) 860, Ashfaq Ahmed Quereshi & another Versus Namrata Chopra & others, 2014(1) RCR (Criminal) 528, Rishipal Singh Versus State of U.P. & another, 2014(3) RCR (Criminal) 637, Tilly Gifford Versus Michael Floyd Eshwar & another, 2017 AIR Supreme Court 3823 and Ravi Karumbaiah Versus State and another, 2015(37) RCR (Criminal) 751.

10. During the pendency of this petition, the report of the Trial Court was called for so as to ascertain the stage of proceedings pending before it. A perusal of the report would reveal that the Trial is at its fag-end and the prosecution evidence is nearing completion.

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11. In view of the above, the question of quashing of the summoning order dated 10.01.2024 (Annexure P-9) does not arise. Therefore, the present petition stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

04.09.2025

JITESH

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