

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

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**CWP-9795-2016 (O&M).
Date of Decision: 09.10.2023.**

RANBIR SINGH

.. Petitioner

Versus

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Saurabh Chobey, Advocate,
for the petitioner.

Mr. Rohit Bansal, Sr. D.A.G, Punjab
For respondents No.1, 2, 5 and 6.

Ms. Anita Balyan, Advocate, for respondents No.3 and 4/BSF.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present writ petition is for seeking directions to the respondents to hand over the investigation in the case of murder of Constable Sunil Kumar son of the petitioner regarding which DDR No.6 dated 15.01.2013 has been registered at Police Station Jhabhal, to some independent investigating agency.

Written statement on behalf of respondents No.3 and 4 had been filed on 28.01.2017, wherein it has been averred that the petitioner had earlier approached this Court by filing CRM-M-4735-2015 which was dismissed as withdrawn on 27.01.2016. A copy of the Staff Court of Inquiry

proceedings was provided to the petitioner vide 163 Bn BSF letter No.Estt/163Bn/2016/4891-93 dated 06.04.2016.

A separate reply has been filed by the State of Punjab on 26.09.2017, wherein it was submitted that the deceased Sunil Kumar along with Sanjay Kumar were deployed on Hit duty (Patrolling) on from 6 PM to 12 night and Constable Mahesh Kumar was deployed on Camp Guard (Post) Duty from 6 PM to 9PM. They heard noise of shooting (firing) from post of above Constable Mahesh Kumar and on reaching there, dead bodies of Constable Sunil Kumar and Constable Mahesh Kumar were found lying inside the Camp guard (Post). On conducting verification, it revealed that the INSAS rifle of Constable Mahesh Kumar was found lying at a side inside the post and barrel of INSAS rifle of Constable Sunil Kumar was pierced in his forehead. It appeared that due to some reasons Sunil Kumar firstly killed above Mahesh Kumar by shooting from its rifle and then committed suicide by shooting himself with his own INSAS rifle. A report was thereafter prepared. Proceedings were initiated whereupon, the petitioner started leveling allegations that deceased Sunil Kumar and Mahesh Kumar have been killed. A complaint was lodged before the National Human Rights Commission, Delhi which was marked to the Director, Bureau of Investigation, Punjab, Chandigarh. The same has been inquired into by the Deputy Superintendent of Police, Crime Wing, Amritsar and a detailed and thorough inquiry was conducted. Attempts were made to join the petitioner in the inquiry, however, he did not join the same. The handwriting available on the alleged suicide note was compared from the Forensic Science Laboratory, Punjab and opinion of the doctor who conducted the autopsy was also obtained. No concrete evidence had come

forth suggesting that deceased Sunil Kumar son of petitioner had been killed by somebody else rather, it revealed that deceased Sunil Kumar firstly killed his colleague Mahesh Kumar and thereafter committed suicide. Accordingly, a recommendation was made to consign the application given by the petitioner.

Notwithstanding that the aforesaid reply had been filed in September 2017 and the matter has been taken up on various occasions thereafter, no replication/rejoinder to the responses filed by the respondents has been filed by the petitioner.

Learned counsel appearing for the petitioner contends that they have made strenuous efforts to contact the petitioner, however, they have not received any instructions.

It seems that the petitioner is no more interested in pursuing the present petition.

Dismissed for non-prosecution.

Liberty is, however, granted to the petitioner to seek revival of the present petition, if deemed necessary.

October 09, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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