

CRM-M-53815 of 2023

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

CRM-M-53815 of 2023

Date of decision: 15.01.2025

Mahinder Pal

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Kulwinder Singh, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. for issuance of directions to the official respondents to conduct free and fair investigation in case FIR No.199 dated 01.08.2022 under Section 306 IPC registered at Police Station Ambala Sadar, District Ambala.
2. In the status report dated 02.02.2024, filed by way of affidavit of Sunil Kumar, Deputy Superintendent of Police, State Crime Branch, Haryana, Panchkula, on behalf of respondents No.1 to 5 it has been stated as under: -

“4. That after registration of case, the investigation of present case was carried out by local police of PS Sadar, Ambala. During the investigation, the investigating officer visited the place of occurrence and prepared the rough site plan of place of occurrence and chunni, knife etc. related to the incident were taken in possession and statements of witnesses were recorded. The IO called the

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Team of Scene of Crime and the Scene of Crime Team also inspected the place of occurrence. According to the statement given during the investigation, 161 Cr.PC, it has been revealed that the deceased has committed suicide on 26.07.2022, the door was opened by force as it was locked from inside and hanged girl Amni was brought down by cutting the noose and the last rites of the deceased Amni were performed on the same day in the evening without informing the local police and even without the Postmortem examination of the body.

5. That during investigation of the case, IO came to know that the deceased was working at a shop named Krishna Furniture House, village Kawalan District Ambala. On 07.08.2022, the IO joined the owner of shop named Krishna Furniture House (respondent No. 7) namely Sandeep Dhiman and other employees of the shop and came to know that on the day of incident, accused Sukha Pardhan has slapped to the deceased in the street near the shop on dated 26.07.2022. On verification it has been found that the incident has been captured in CCTV footage of cameras installed at the shop named Krishna Furniture House. The IO collected the CCTV Footage in Pen Drive in which accused Sukhdev Singh is seen slapping the girl Amni (deceased) in the street. The CCTV Footage was taken in possession by preparing recovery memo duly attested by the witnesses and the IO recorded the statement of owner of Krishna Furniture House (respondent No. 7) and the other witnesses who were present on the day of incident at the time when accused Sukhdev Singh alias Sukha had slapped the deceased Amni in the street and thereafter, he was threatening her inside the shop of Krishna Furniture House. The copy of CCTV Footage is annexed as Annexure R-1. After that, further

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Investigation of the case was done by SI Suresh Kumar and then by ASI Taljinder Singh, Police Station Sadar Ambala and the CCTV footage in which accused Sukhdev Singh is seen slapping the girl Amni (deceased) in the street on the date of the incident, was found on that CCTV camera, the DVR related to this was also taken into possession by the local police.

6. That during the investigation, Investigating Officer tried to apprehend the accused/respondent No. 6 and came to know that the accused Sukhdev alias Sukha has already gone to abroad i.e. prior to registration of FIR and when this fact came to light, documents related to his passport no. V898070 were obtained by making correspondence to the concerned department of the Central Government for the purpose of issuance of Look Out Notice against accused Sukha Pardhan alias Sukha. Thereafter, the LOC was issued against the accused Sukhdev alias Sukha.

7. That for the purpose of issuing Red Corner Notice (RCN) of accused Sukhdev Singh alias Sukha, on 15.08.2023, the IO moved an application for the issuance of open date arrest warrant against the accused before the Court of Ld. Illaqa Magistrate, Ambala and an open date arrest warrant of accused Sukhdev Singh alias Sukha was issued from the Ld. Court of Illaqa Magistrate, Ambala and received from the Ld. court. After that according to the order bearing number 4073/AC/AR dated 09.08.2023 of the Director General of Haryana, the investigation of this case was transferred to the State Crime Branch, Haryana, thereafter, orders were passed for further investigation of the case to be conducted by Inspector Gurnam Singh, State Crime Branch, Ambala.

8. That during the investigation, necessary inquiry was conducted in relation to the case by joining

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complainant/petitioner Mahindar Pal, and other witnesses and questioned about the facts of case. Apart from this, CDR of the deceased girl Amni and accused Sukhdev Singh alias Sukha and all other related mobile numbers was taken from Cyber Cell Ambala. From the observation of which it was found that the girl Amni (deceased) was using the mobile number 7494993945 on her brother Munish's ID. From the observation of call details (CDR) obtained during the investigation, it was found that a large number of conversations were taking place from the mobile number 98174-58658 of accused Sukhdev Singh to the mobile number 74949-93945 being used by the girl Amni (deceased), which makes it clear that deceased Amni and accused Sukhdev Singh alias Sukha were in constant contact with each other for a long time, especially on the date of incident 26.07.2022, accused Sukhdev Singh alias Sukha was found to be making repeated phone calls and SMS to the deceased Amni around the time of the incident. Call detail of Accused with deceased on dated 26.07.2022 also Annexure R-2. During the investigation, CCTV video footage taken by the local police was reviewed by the investigating officer, in which the accused Sukhdev Singh alias Sukha is clearly seen slapping and threatening the girl Amni (deceased) in the street on the day of the incident.

9. That during investigation, on 16.09.2023, the mobile phone brand Vivo of deceased Amni was taken in possession from complainant Mahindra Pal and the mobile phone of the deceased Amni was sent to the Cyber Forensic Lab, Panchkula on 25.10.2023 for necessary testing and retrieval of phone data. Apart from this, the CCTV footage in which the accused Sukhdev Singh alias Sukha is seen slapping the girl Amni (deceased) in the

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street on the date of the incident, the DVR related to that CCTV camera which was also taken in possession by the local police station, and this DVR was also sent to Cyber Forensic Lab, Panchkula through docket on 01.12.2023 for testing/retrieving all the data of DVR. However, during investigation of the case, it has come on the record that on the day incident, the CCTV cameras installed inside of Krishna Furniture House have been removed due to repair/renovation work inside of the Furniture showroom. The results of the deceased's mobile phone and the above mentioned DVR are still pending. Regarding the above video footage and DVR, Section 65B Indian Evidence Act certificate was obtained from furniture shop owner Sandeep Dhiman.

10. That the circumstances of the investigation conducted in the case were also got verified by Sunil Kumar HPS, Deputy Superintendent of Police, State Crime Branch, Panchkula as per the orders of higher officials. On the basis of the facts revealed during the investigation conducted till date and on the basis of investigation conducted so far, girl Amni (deceased) was blackmailed by the accused Sukhdev Singh alias Sukha and due to the accused beating Amni in public, she committed suicide due to fed up with him and except accused Sukhdev Singh alias Sukha, no one other found involved in the present case and the girl Amni (deceased) has committed suicide by hanging herself in her house as she was slapped and threatened by accused Sukhdev Singh alias Sukha.

11. That during the investigation, it has been revealed that accused Sukhdev alias Sukha had gone abroad to Dubai (UAE) on 31.07.2022 after the incident and in this regard, the local police has issued an open date arrest warrant of accused Sukhdev from the Ld. Court of Illaqa Magistrate,

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Ambala. According to the rules of the case, Red Corner Notice (RCN) is to be issued against accused Sukhdev Singh by making correspondence with the concerned department of the Central Government through the office of State Crime Branch, Haryana, Panchkula. Therefore, based on the fair and impartial investigation conducted so far, the evidence against the accused Sukhdev Singh alias Sukha son of Buttaram, resident of village Lakhnaur Sahib, police station Sadar Ambala, District Ambala, has been come on the file and therefore, final report u/s 173 Cr.PC/challan has been prepared against the accused on 17.01.2024 against Sukhdev Singh alias Sukha and the same would be submitted in due course of time and the proceeding in respect of the Red Corner Notice (RCN) against accused Sukhdev Singh is to be issued separately.”

3. Learned State counsel, on instructions from ASI Naresh Kumar, submits that challan has been presented against the accused on 30.08.2024.
4. In this view of the matter, learned counsel for the petitioner submits that the instant petition has been rendered infructuous.
5. Disposed of accordingly.

15.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No