

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) Nos.932-933/2020

(Arising out of impugned final judgment and order dated 29-10-2019 in CRMM No. 1798/2017 and 20-11-2019 in CRM No. 34577/2019 passed by the High Court of Punjab & Haryana at Chandigarh)

PAWAN KUMAR

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

(IA No. 31720/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-07-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) M/S. V. Maheshwari & Co., AOR
Mr. Kamal Deep Kumar, Adv.
Mr. Vishal Singh Chauhan, Adv.
Ms. Kiran Bala Dewangan, Adv.

For Respondent(s) Dr. Monika Gusain, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner had approached the High Court with a grievance that Haryana Police was not fairly and effectively investigating the offence of murder which led to his son's unnatural death. The Writ Petition was disposed of on 29.10.2019 by a learned Judge of the High Court recording that the final report had been submitted by the prosecuting agency in the Court forming an opinion that offence under Section 304 of the Indian Penal Code,1860 is made out. The petitioner was, accordingly, relegated to the remedy before the Court where the final report had been submitted. Aggrieved by this order, the petitioner filed an application for recall. Vide order dated 20.11.2019, the learned Judge disposed of

the application holding that such application is not maintainable in view of the bar contained in Section 362 of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C"). The said orders dated 29.10.2019 and 20.11.2019 are challenged in the present Special Leave Petitions.

2. We find that a coordinate Bench of this Court while hearing these petitions vide order dated 03.01.2022 had directed as follows:

"2. In the facts and circumstances of the present case, we direct the DIG to personally verify all the material which has been collected during the course of the investigation and to apprise himself on whether the investigation has been fair and proper. If the DIG finds that there has been any lacuna in the investigation, he may constitute a proper team of officers for conducting a further investigation. The DIG shall look into the objections which have been filed by the petitioner to the report of the SIT.

3. The DIG shall file his affidavit before this Court within a period of eight weeks submitting a status report on the above aspects."

3. In deference to such order, a status report dated 28.02.2022 has been filed by the Inspector General of Police, Karnal Range, Karnal. It is the 3rd status report filed in these proceedings.

4. Perusal of the 3rd status report reveals the satisfaction of the Inspector General of Police that a Special Investigation Team (S.I.T.), which was constituted, had examined all the relevant records pertaining to investigation including FSL report, DNA report, Polygraph test report, Chemical Examiner report, Scene of crime team report, etc. The Inspector General of Police personally examined/verified statements of the witnesses recorded under Section 161, Cr.P.C. during the course of investigation. Upon perusal of the relevant records, the Inspector General of Police opined that the investigation had been conducted in a fair and impartial manner and no lacuna was found in the investigation conducted by the S.I.T.

5. Despite such status report having been filed two and a half years back, no exception thereto has been taken by the petitioner.

6. In the light of the above, we are of the considered view that there is no valid reason to doubt the investigation that has been conducted, at least at this stage.

7. Submission of learned counsel for the petitioner that the High Court had initially directed the Central Bureau of Investigation (C.B.I.) to take up investigation and that the C.B.I. ought to be entrusted with the investigation loses much of its significance in view of the aforesaid order of this Court dated 03.01.2022 reposing faith and confidence in the Haryana Police.

8. If the police report under Section 173(2), Cr.P.C. has been filed before the jurisdictional court, it shall be up open to the petitioner to pursue his remedy in accordance with law including filing an objection petition under Section 173(8), Cr.P.C., if so advised. Should such petition be filed, the same shall be considered on its own merits.

9. The Special Leave Petitions are disposed of with the aforesaid observations.

10. Pending application(s), if any, shall stand disposed of.

(VIJAY KUMAR)
COURT MASTER (SH)

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)