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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3661-2014 (O&M)
Date of decision : 01.09.2016

Daljit Singh and others

... Appellants

Versus

Amarjit Kaur and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. M.L. Singla, Advocate
for the appellants.

Mr. Sharad Aggarwal, Advocate
for the respondents.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

AMIT RAWAL, J. (ORAL)

CM-8472-C-2014

For the reasons stated in the application, which is duly supported by an affidavit, the delay of 88 days in filing the appeal is condoned.

CM stands disposed of.

RSA-3661-2014

The appellants-defendants are aggrieved of the concurrent of findings of fact, whereby the suit for damages at the behest of the mother of Sukhjinder Singh @ Shinda (since deceased), who had unfortunately died in police custody, has been decreed by both the Courts below, whereby they

have been called upon to pay ₹ 4,50,000/- i.e. ₹ 90,000/- each viz-a-viz the claim of ₹ 14,00,000/-.

Mr. M.L. Singla, learned counsel appearing on behalf of the appellants-defendants submits that except the examination of three witnesses, no other evidence has been brought on record to prove that he was suffering from decease i.e. Psychoneurotic & Schizophrenia or died in the police custody. The respondent(s)-plaintiff(s) have also given a compensation by the Chief Minister and as well as the Human Rights Commission and that amount, at least, should have been deducted. The evidence of criminal court would not be binding upon the Civil Court, in essence, the respondent(s)-plaintiff(s) failed to lead any independent evidence, thus, urges this Court for setting aside the judgments and decrees under challenge.

Mr. Sharad Aggarwal, learned counsel appearing on behalf of the respondent(s)-plaintiff(s) submits that few of the defendants have already paid the money in execution and all have been convicted for life and the appeal against the same has also been dismissed. It is gravest inhuman act that the detainee died in police custody, therefore, the appellants-defendants are not liable for any reduction in amount, thus, urges this Court affirming the findings under challenge.

In rebuttal, Mr. M.L. Singla, Advocate submits that deceased was suffering from Schizophrenia and Psychoneurotic. The death was not on account of police atrocity, but owing to the diseases.

I have heard the learned counsel for the parties and appraised the paper book and of the view that no evidence with regard to the mental or his state has been placed on record to belie the claim of the respondent(s)-

plaintiff(s). It is a conceded position on record that all the appellants-defendants have been convicted for life and the appeal against the same has also been dismissed by this Court. The compensation awarded by the Chief Minister and Human Rights Commission is over and above what had been claimed. Though the claim was ₹ 14,00,000/-, but the Courts below by keeping in view the attenuating circumstances assessed the claim to the tune of ₹ 4,50,000/- (₹ 90,000/- each) which has been ordered to be paid jointly or severally. The custodial death at the behest of the appellants-defendants who were the police constables cannot go un-noticed and come under the expression “pardon”. They have already been convicted for criminal action, but in my view, rightly so, have been ordered to pay the compensation in terms of the money i.e. damages.

For the foregoing reasons, I do not intend to differ with the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence and accordingly, the appeal is dismissed.

01.09.2016
yogesh

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No