

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

CRM-M-1083-2018 (O&M)

Decided on: 27.02.2018

Amar Singh

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Deepa Jain, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J (ORAL)

CRM-6726-2018

Application for placing on record Annexure P-6 is allowed,
subject to all just exceptions. The same is taken on record.

CRM-M-1083-2018

Petitioner has approached this Court for setting aside the magisterial enquiry report dated 18.02.2017 (Annexure P-1) conducted in the case of custodial death of Rakesh @ Rajesh accused in FIR No.159 dated 22.10.2011 under Section 379 IPC, Police Station GRP, Faridabad and further to direct conducting of enquiry by some independent agency.

2. It is the contention of the counsel for the petitioner that son of the petitioner, namely, Rakesh @ Rajesh was arrested in the aforesaid FIR on 14.10.2015 having been declared a proclaimed offender earlier. On 19.10.2015, the petitioner received a call that his son had died and the dead body was in B.K. Hospital, Faridabad. Petitioner suspected cause of death because of severe beatings given and torture at the hands of police officials.

3. Thereafter, an enquiry was conducted by the Judicial Magistrate 1st Class, Faridabad and in pursuance to the said enquiry, a report

has been submitted. The final enquiry report dated 18.02.2017 (Annexure P-1) indicates the cause of death cardiac arrest and is a natural death. In the light of the death report (Annexure P-6), where in column No.10 which deals with the injuries of mark of violence on the body, it is mentioned that there is some superficial skin below the left eye. Under column No.11 which deals with oozing out of blood or liquid, it has been mentioned that liquid was oozing out from the left ear and some dried liquid around it. While referring to FSL report (Annexure P-4), counsel contends that the pant which was sent to the lab marked as Ex.2-A had few small blood stains and similarly, it was found on the underwear as well (Ex.2-B). The report indicates that it was human blood. She, therefore, contends that the assertion of the petitioner that the cause of death is not cardiac arrest, but because of beating and torture at the hands of the police authorities appears to be correct and, therefore, a direction is prayed for further investigation.

4. Having considered the submissions made by the counsel for the petitioner and on going through the record of the case, even if the contention of the counsel for the petitioner to the extent that there was certain oozing out of some fluid from the ear, there being no corresponding external injury either in the ear or any part thereof, as is apparent from the post mortem report and similar being the position with regard to the blood stains found on the pant and underwear. The injury which the counsel for the petitioner stresses upon with reference to Annexure P-6 the death report, about some superficial skin below left eye, the same also does not indicate any visual marks of injury because in the earlier part of the sentence, it is mentioned that there is no visual external injuries seen. The cause of death has been found to be cardiac arrest and, therefore, in the absence of any

external injury marks on the person of the deceased with the further opinion of the medical board constituted for determining the final cause of death of Rakesh @ Rajesh son of Amar Singh-petitioner which has concluded that the cause of death was cardiac arrest and, therefore, the death was a natural death, cannot be doubted. The final enquiry report as submitted by the Enquiry-cum-Judicial Magistrate 1st Class, Faridabad dated 18.02.2017 (Annexure P-1) cannot be faulted with.

5. In view of the above, finding no merit in the present petition, the same stands dismissed.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

27.02.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No