

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

1. CRM-M-19690-2014

Sunita and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

2. CRM-M-5218-2011

Court on its own motion

..... Petitioners

Versus

State of Haryana and others

..... Respondents

Date of decision: 21.02.2019

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Anil Rathee, Advocate
for the petitioners (in CRM-M-19690-2014).

None for petitioner (in CRM-M-5218-2011).

Mr. Raj Kumar Makkar, Sr. DAG, Haryana.

Mr. Raj Kumar Rathore, Advocate for
Mr. Manvinder Rathi, Advocate
for respondent No. 12 (in CRM-M-19690-2014).

Mr. Jagjeet Beniwal, Advocate
for respondents No. 11 and 13 (in CRM-M-19690-2014).

RAMENDRA JAIN, J. (ORAL)

By this common order, two above titled petitions are being
disposed of, as similar facts are involved therein. For brevity, the facts are

being extracted from CRM-M-19690-2014.

Briefly, Subhash Chand Saini-husband of petitioner No. 1-Sunita and father of petitioners No. 2 and 3, namely; Sunil and Tinu, during the night of 13.02.2011, committed suicide in police custody. Consequently, Deputy Superintendent of Police, concerned recorded FIR No. 125 dated 08.03.2011 (Annexure P-2), under Sections 302, 120-B and 201 IPC, Police Station City Hansi, District Hissar. The Illaqa Magistrate, also conducted an enquiry under Section 176 Cr.P.C. on the next day i.e. 14.02.2011 and found that it was not a suicidal case, rather Subhash Chand Saini, was murdered by the police in custody vide his report Annexure P-1.

Therefore, in retaliation, the mob tried to torch the police station on 14.02.2011. This incident was published by 'The Tribune' in its daily newspaper dated 15.11.2011.

A co-ordinate Bench of this Court taking *suo motu* cognizance of the said news, vide order dated 15.02.2011 (in CRM-M-5218-2011) referred the matter to Hon'ble the Chief Justice for taking action, in accordance with law or to order judicial enquiry, so that the case of custodial death is not converted into a case of suicide.

Consequently, the State Government was issued notice, who several times submitted its report. In the meantime, the police filed cancellation report dated 11.08.2011 (Annexure P-3), in Court which was accepted by the Illaqa Magistrate on 14.11.2011. Therefore, the victims i.e. widow and two sons of deceased-Subhash Chand Saini, preferred CRM-M-19690-2014, seeking a direction to get the matter qua murder/suicide by Subhash Chand Saini, investigated through some independent agency like

CBI.

Consequently, a co-ordinate Bench of this Court vide order dated 14.11.2014, directed the State Government to pay ₹5,00,000/- (Rupees Five Lakhs) as interim compensation to the legal heirs of the deceased within a period of two months. During the pendency of both the petitions, this Court vide order dated 08.07.2015 (in CRM-M-19690-2014), considering the FSL report and medical opinion given by Dr. TD Dogra, Principal and President Nyaya Chikitsa and Poison Science Department, All India Institute of Medical Sciences, New Delhi, specifically opined that *prima facie* it was not a case of murder, but a case of suicide committed by deceased-Subhash Chand Saini. By that time, compliance of aforesaid order of payment of interim compensation has already been made by the State Government.

However, vide order dated 08.07.2015, the State Government was directed to furnish the policy, if any, framed by the State Government for grant of compensation, in the case of custodial death with alternative direction to the Superintendent of Police, Hisar-respondent No. 3 to file his affidavit along with relevant policy, clarifying the stand of State as to how much amount can be paid to the petitioners, on account of custodial death of Subhash Chand Saini.

Learned State counsel contends that as per State policy issued vide notification No. S.C. 41/C.A. 2/1974/s.357-A/2013 dated 03.04.2013, under the Haryana Victim Scheme, 2013, maximum compensation of ₹3,00,000/- (Rupees Three Lakhs) can be awarded to the legal heirs of a victim; ₹2,00,000/- (Rupees Two Lakhs) in case the age of deceased is 40 to

60 years and ₹1,00,000/- (Rupees One Lakh) in case age of the deceased is above 60 years. However, in the instant case, ₹2,00,000/- (Rupees Two Lakhs) over and the above said policy have already been paid to the petitioners in terms of order dated 14.11.2014.

As discussed above, vide order dated 08.07.2015, since this Court has specifically observed that *prima facie*, it seems to be a case of suicide by Subhash Chand Saini, therefore, this Court is not inclined to continue with both the petitions further, inasmuch, as grievance of the petitioners has already been redressed.

In view of the above, both the petitions stand disposed of.

February 21, 2019

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No