

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No.17980 of 2015 (O&M)

Date of decision:26.08.2019

Amarjit Kaur

.....Petitioner

Vs.

State of Punjab & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr. R.S. Pandher, Advocate, for the petitioner.

Ms. Simran Grewal, AAG, Punjab.

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RAJIV NARAIN RAINA (*Oral*)

Son of the petitioner, namely, Inderjit Singh died in judicial custody. Late Inderjit Singh was admitted in Central Jail, Ludhiana on 17.07.2010. As per the admission register he was mentally upset at that time. As per the admission slip of jail hospital handed over by Gurdeep Singh, brother of late Inderjit Singh, the deceased was under treatment at Dr. Vidya Sagar Institute of Mental Health, Amritsar. At the time of admission he was on medicines. On 22.07.2010, 05.08.2010 and 26.08.2010 he was medically checked by a Psychiatrist Dr. Sudha and was under treatment and taking medicines prescribed by the doctor. Paragraph – 2 of written statement narrates that on 04.09.2010 at 6.40 PM late Inderjit Singh tried to press his own throat. He was controlled by his fellow inmates and by Mr. Ramesh Kumar, the Pharmacist on duty. He was in very sad state of mind at that point of time. He was administered Diazepam Injection and rushed to Civil Hospital, Ludhiana for specialist attention. On 14.09.2010 in the evening Inderjit Singh suddenly fell ill and was immediately referred to the Civil Hospital, Ludhiana by the Jail Guard. From where he was referred to CMC Hospital, Ludhiana for treatment but he died on the way to the Hospital. The intimation regarding custodial death was sent to the competent authorities on 05.09.2010. The post mortem of deceased son of the petitioner

was conducted by the Medical Board of Doctors and Judicial Officer was deputed to be associated. As per the judicial enquiry conducted by Ms. Sushma Devi, Judicial Magistrate, Ist Class, Ludhiana, the officer reported as follows:-

“Thus, by all of these observations, this Court has come to the conclusion that deceased Inderjit Singh was suffering from depression, he was even given treatment in Jail also, even then, his condition was not improving and then as per report, he died due to chlorocompound group of insecticide poisoning. Quite possible, he may have swallowed some poisonous substance and later on died.”

No foul play has been found in the death of Inderjit Singh. The medical report suggests that he died of chlorocompound group of insecticide poisoning. It is seriously doubtful whether this is a case of death by torture in judicial custody or the deceased consuming poison.

A replication has been filed by mother of the deceased Inderjit Singh but there is no material discrepancy founded out in the averments made in the written statement.

As far as compensation is concerned, State of Punjab has paid an amount of Rs.2 lakh for the death in judicial custody. Independently, the Human Rights Commission had awarded a sum of Rs.3 lakhs to the mother of late Inderjit Singh (petitioner). No other amount is payable. In all five lakhs has been paid to the mother of the deceased.

In view of above no ground for interference is made out in this writ petition. Accordingly, the same is dismissed.

August 26, 2019
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(RAJIV NARAIN RAINA)
JUDGE