

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

CRM-M-28887-2021
Date of Decision: 29.07.2021

Kesar Singh

.....Petitioner

Versus

State of Punjab and others

....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. O.P. Goyal, Senior Advocate, with
Ms. Mamta B. Jain, Advocate, for the petitioner.

HARNARESH SINGH GILL, J.

Case is taken up for hearing through video conferencing.

The petitioner seeks appropriate directions for an impartial inquiry by some premier investigating agency like CBI, into the custodial death of his son, namely, Bunty, in the Police Station Khammano, District Fatehgarh Sahib, on 10.11.2010.

Earlier, the petitioner had filed CRM-M-15081-2013 on the same cause of action containing the similar prayer. The said petition was disposed of by this Court, vide order dated 03.02.2020, operative part whereof would read as under:

“Notice of motion in this case was issued on 8.5.2013 and since it is a custodial death, State was directed to pay Rs. 5.00 lacs as interim compensation without prejudice to the other rights of the petitioner.

In compliance to the said order, the said amount was paid by the State to the petitioner.

Since the son of the petitioner had died in the custody, let Senior Superintendent of Police, Fatehgarh Sahib depute Superintendent of Police of his district to enquire into the matter. The petitioner will join the investigation as and when called for.

Report of the Superintendent of Police through Senior Superintendent of Police shall be submitted to the Registry of this Court as well as to the petitioner within three months from the date of receipt of certified copy of this order.”

It is not disputed that pursuant to and in compliance with the said order, a fresh inquiry has been conducted by the Superintendent of Police, Special Branch, Fatehgarh Sahib. In his inquiry report (Annexure P-5), the Inquiry Officer has concluded that there was no foul play in the custodial death of the petitioner's son and as a matter of fact, he (deceased-son of the petitioner) had committed suicide by hanging himself from the grill of the ventilator of the bathroom. The concluding part of the said report reads as under:

“..... It is relevant to mention here that in the judicial inquiry conducted by the Ld. JMIC, Khamano, the findings recorded by the Ld. Inquiry Officer are to the effect that the son of the petitioner Hardeep Singh alias Bunty has died due to hanging, however, no doubt has been raised by the Ld. Inquiry Officer as to whether the son of the petitioner was hanged after his death or before his death.

From the inquiry conducted by the undersigned, no new evidence has come to fore which could suggest that the son of the petitioner Hardeep Singh alias Bunty was hanged after his

death or before his death, rather it has been found that the son of the petitioner Hardeep Singh alias Bunty was permitted to sit in the verandah of the police station under the supervision PHG Ajmer Singh on his own request as he was feeling suffocated, who on the pretext of going to the bathroom, went to the bathroom, bolted the door of the bathroom from inside and committed suicide by hanging himself from the grill of the ventilator of the bathroom.”

Learned Senior Counsel appearing for the petitioner though submits that the petitioner was not associated with the aforesaid inquiry, as had been directed by this Court, yet he lays much emphasis on the fact that despite the promises and assurance from the quarters concerned, no govt. job has been provided to the next of the kin of the deceased. Thus, the learned Senior Counsel submits that the govt. of Punjab may be directed to give employment to the family member of the deceased.

Notice of motion to respondents No.1 to 7 only, at this stage.

On the asking of this Court, Mr. Avtar Singh Sandhu, Addl. A. G. Punjab, accepts notice on behalf of respondents No.1 to 7-State and submits that in compliance with the order dated 08.05.2013 passed by the learned Single Judge of this Court, the petitioner has already been paid Rs.5 lakh by the govt. of Punjab. Still further, he argues that the inquiry now conducted by the Superintendent of Police, Special Branch, Fatehgarh Sahib, if read in consonance with the earlier inquiry conducted

by the Judicial Magistrate Ist Class, Fatehgarh Sahib, would lead to an irresistible conclusion that the son of the petitioner had committed suicide.

I have heard the learned counsel for the parties.

As noticed above, the inquiry now conducted does not point out anything contradictory to the conclusion earlier recorded by the Judicial Magistrate Ist Class, Fatehgarh Sahib. While conducting the said inquiries, the medical report and other prevailing circumstances have been taken into consideration. The conclusion arrived at shows no foul act in the death of the petitioner's son. It may be noticed that the death of the son of the petitioner took place on 10.11.2010. As the petitioner had levelled the allegations of inaction and bias on the part of the police authorities while filing previous petition i.e. CRM-M-15081-2013, this Court took a conscious and cautious decision to direct the Senior Superintendent of Police, Fatehgarh Sahib, to conduct a fresh inquiry. It is not disputed that such inquiry has been conducted and nothing new has been found.

As far as the plea of the petitioner of not providing any govt. job to the next of the kin of the deceased, suffice it to say that such decision is to be taken by the appropriate govt./authority taking into account various aspects, including the stated promises and assurances given by them at the time and post the death of the son of the petitioner. However, this Court does not find any justified cause to enter such a prayer.

In the light of the foregoing discussion, this Court
does not find any merit in the present petition.

Dismissed.

29.07.2021
praveen kumar/ds

(HARNARESH SINGH GILL)
JUDGE

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