

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242

CRM-M-11715-2015 (O&M)

Date of decision: 17.10.2022

GIAN SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Kamalpreet Singh Bawa, AAG Punjab.

AMAN CHAUDHARY. J. (ORAL)

Instant petition has been filed under Section 482 CrPC for issuance of directions to the respondents with the prayer to this Court to mark an inquiry to the learned Sessions Judge, Faridkot or any independent agency to look into the matter of custodial death of Joginder Singh i.e. son of the petitioner.

Notice of motion in this case was issued on 10.04.2015, whereafter reply dated 03.12.2016 by way of Ajay Raj Singh, PPS, Deputy Superintendent of Police, Sub Division Faridkot, District Faridkot had been filed. Learned State counsel refers to Para No.2 of the said reply, which reads thus:-

“2.That in connection with the death of inmate Joginder Singh an Judicial enquiry was also conducted by then Chief Judicial Magistrate, Faridkot who probe into the matter thoroughly and deeply. The Ld. Judicial officer proceeded to the spot of occurrence and had gone through the medical evidence and also recorded the statement of witness. Ld. C.JM, Faridkot in his report concluded that deceased Joginder Singh was under trial for the charges of murder of his own wife. As per the Statement of other inmates it transpired that Joginder

Singh was under some sort of depression and he did not like to talk any body. The injuries on the body of Joginder Singh and other surrounding circumstances suggested that Joginder Singh had committed suicide. As such the petitioner has no cause of action to file the present petition.”

Thereafter, reply dated 06.07.2017 by way of an affidavit of Sukhwinder Singh, PPS, Superintendent, Central Jail Faridkot was filed. Wherein a detailed inquiry report conducted by Chief Judicial Magistrate, Faridkot dated 08.11.2010 had been appended as Annexure R-1. Learned State counsel draws the attention of this Court to the statement of CW-15/Dr. Shilekh Mittal, Assistant Professor, GGS Medical College, Faridkot, which reads thus:-

“1. An incised stab wound 6x1.5 CM on the front of neck 4.5 CM above sterna notch, clotted blood present. On dissection the depth of the wound was 12CM the trachea was cut under injury and the depth of the wound was directed backwards, downwards and towards left. The upper portion of left side of pleura was punctured. The apex of left lung was punctured. The left pleura cavity contained about 200 ML of fluid and clotted blood.

2. An incised wound 8x2.5 CM on the front of neck. 4CM above injury No.1 Clotted blood was present along with a superficial incised wound 6 x 0.10 CM on the left side of injury No.2 on the left side of neck. On dissection the larynx was found cut under the injury and the cut was present on the posterior laryngeal wall at the level of body of C 3-4 of cervical vertebra. The epiglottis and glottis was visible. The trachea between the injury No.1 and 2 was full of clotted blood.

3. An incised wound 7x1.5 CM on the right lateral aspect of neck 7 CM below ear lobule, with tailing of 1.5 CM on each side of wound clotted blood was present muscle deep.

4. A superficial incised wound 9x0.4 CM on the left side of neck

4 CM below ear lobule. Clotted blood was present. Skin Deep.

5. An Incised wound 3x0.5CM on the front of left side of wrist extending to the lateral side of wrist. Clotted blood present. Skin deep.

6. A superficial incised wound 2x0.3CM on the back of neck, 6CM below posterior hair line. Clotted blood was present. Skin deep.

Neck, larynx and vocal cords, neck tissue, trachea, left lung as described. Stomach, mucosa NAD and contains about 150 ML of watery fluid. Small intestines NAD and contains chyme. Large intestines NAD and contains fecal matter. Liver, spleen, pancreas, kidneys, bladder pale.”

He further refers to paras 6 and 7 of the said inquiry report, which read thus:-

“6. I have also visited the occurrence place that latrine/bathroom which is situated adjoining to the barrack being adjoining portion of the barrack. On one side there are some bathroom and on the other side there are 5/6 latrines. The occurrence place is one of the latrine which has been made by making partition wall and the length/breath of the latrine is about 3x4 feet. English seat for latrine is fitted. Height of the wall which is dividing these latrines between each other is about 6-1/2-7-1/2 feet.

7. In the evidence of all the witnesses this fact has come into light that inside bolt of the latrine was closed and his body was brought out by opening bolt inside by sending PW 7 Darshan Singh (munsi).The situation apparently shows that inside of the bathroom no scuffle can take place as space is very much little that only for sitting for latrine purpose. Two persons cannot be fight or make scuffle inside Similarly, if in the latrine anybody tried to cause injury, then it is natural that noise or hue and cry might have noticed by other inmates of the

barrack. Usually, in the barrack inmates remains present as about 60/70 persons are lodged in the barrack. One spoon which further stated to have been made sharp by rubbing on the floor with which under trial might have caused injuries also lying there on the floor. There was huge blood on the floor, but no wall of the bathroom was having any blood stained. Moreover the nature of injuries which has been suffered on the neck part only, no other body part except superficial injury on the wrists of hand noticed by the doctor. The other nature of injuries also strongly are suggestive that under trial has himself suffered injuries. Further in the statement of all the witness as discussed above this fact has come into light that Joginder Singh usually remain under tension and depression. He did not talk with anybody. His date of appearance was next day i.e. on 01.11.2010 and above said incident occurred on 31.10.2010. He was lying lodged on the charges that he has committed murder of his wife. So after going through all the statement as discussed above and other material, I am of the considered opinion that under trial Joginder Singh by himself suffering injuries on his neck has committed suicide.”

Thereafter another reply dated 28.04.2018 had been filed by way of an affidavit of Iqbal Singh Brar, Deputy Superintendent, Central Jail, Faridkot. Learned State counsel makes a reference to Para Nos.2 and 3 of the same, which read thus:-

“2. Under trial Joginder Singh (since deceased) was taken to Civil Hospital. Faridkot in an ambulance by Jail Staff 01. Kuldeep Singh, Jail Pharmacist, 02. Warder Jagdev Singh (Belt No. 4363), 03. Warder Balkar Singh (Belt No. 2221) and 04. Warder Gurcharan Singh no. 3647. A translated copy of concerned page no. 91 of Register No. 16 (Jail Entry/Exit Register) is attached herewith as Annexure R-1/T for perusal.

3. A letter no. 1685 dated 01.11.2010 was sent to the

family members of deceased Joginder Singh to inform them about the demise of accused Joginder Singh at Civil Hospital, Faridkot on 31.10.2010 at 6.00 pm, which was received by Gurmail Singh, Sarpanch, Village Laleana and Guraditta Singh, Brother of deceased Joginder Singh son of Gian Singh. A copy of the letter is attached herewith as Annexure R-2/T for kind perusal. Their response can be termed as 'completely normal' as upon intimation, they alongwith Manjit Kaur, an aunt of deceased Joginder Singh, reached Civil Hospital, Faridkot to receive the dead body of Joginder Singh after his post mortem. They did not suspect any foul play in the death of accused Joginder Singh as per their respective statements recorded during the Inquest proceedings conducted by Naib Tehsildar cu-Executive Magistrate, Sadik, District Faridkot.”

Learned State counsel has also brought the attention of this Court to the order dated 22.11.2018, wherein, the learned State counsel appearing on the said date on instructions from ASI Rajinder Singh had pointed out that the petitioner had already taken recourse to the alternate remedies. Order dated 22.11.2018 passed by a co-ordinate Bench of this Court is reproduced hereinbelow:-

“On instructions from ASI Rajinder Singh, learned State counsel has pointed out that the petitioner has already taken recourse to the remedies of complaint before the Court of competent jurisdiction regarding the death of his son, namely, Joginder Singh.

Learned counsel for the petitioner seeks some time to have instructions in the matter.

Adjourned to 28.01.2019.”

No one has appeared on behalf of the petitioner in this case on number of occasions i.e. 23.04.2019, 24.07.2019 as well as today.

In view of the above, no order is required to be passed in this case.

The present petition is disposed of as having been rendered infructuous. However, liberty is granted to the petitioner to revive the instant petition, if any cause of action still survives.

(AMAN CHAUDHARY)
JUDGE

October 17, 2022

S.Sharma(syr)

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No