

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

CRWP-1518-2023

Date of Decision:28.03.2023

Surjit Singh

...Petitioner

vs.

State of Punjab and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Tanvir Joshi, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Article 226 of the Constitution of India seeking directions to the respondents No.2 and 3 to protect his life and liberty at the hands of respondents No.4 and 5.

Learned counsel for the petitioner contends that Gurlal Singh son of Raja Singh resident of Village Mehraj, District Bhatinda had gone with the son of the petitioner namely, Jagmeet Singh for labour work at Rampura Phul on 04.02.2023. When all of them reached at the railway crossing at Gill Kalan, the respondent No.5 i.e Amritpal Singh, Station House Officer, Police Station City Rampura, District Bhatinda took away Gurlal Singh with him. Gurlal Singh was taken to the police station and was beaten up in the police station. On 06.02.2023, the petitioner came to know that Gurlal Singh has died in the police custody at Police Station City Rampura due to the torture and injuries caused by

respondents No.4 and 5. Thereafter, respondents No.4 and 5 demanded a sum of Rs.5 lacs from the petitioner and his son. Learned counsel further contends that the respondents No.4 and 5 are constantly threatening and pressurising the petitioner and his son to meet the unlawful demands. The petitioner also submitted representations Annexures P1 and P2, dated 10.02.2023 to the Senior Superintendent of Police Bhatinda and DGP, Punjab, Police Head Quarter, Sector 9, Chandigarh respectively, but no action was taken.

A short reply by way of an affidavit of Senior Superintendent of Police, Bhatinda has been filed in the instant case. Learned State counsel contends that Gurpeet Singh Ghal son of Jasvir Singh, had submitted an application against Gurlal Singh (since deceased) to SHO, P.S City Rampura that Gurlal Singh was roaming in their locality and it seemed that Gurlal Singh was under the influence of some intoxicant. Efforts were made to pacify Gurlal Singh, but Gurlal Singh started hurling abuses and also threatened Gurpreet Singh. The said application was marked to ASI Des Pal Singh by the Police Station Rampura City with a direction to take necessary action as per law. When ASI Des Pal Singh along with PHG Resham Singh reached in the area of Kutia bridge near Baba Bansi Hospital, City Rampura; one person was found there, who was hurling abuses at night hours at public place and seemed to be under the influence of the some intoxicant. Since there was a threat to the general public of the area, hence he was brought to the Police Station Rampura for preventive detention under 107/151 Cr.PC. No immediate action could be taken due to the condition of Gurlal Singh and he was made to sit in the office of Duty Officer till he regained his full senses. Unfortunately, Gurlal Singh

committed suicide with the aid of his pajama by hanging his pajama with the iron grill of the window of the room, where he was made to sit in the Police Station, Rampura. The higher officers of the police were immediately informed and the National Human Rights Commission was also informed by way of e-mail. The information was also furnished to the learned District and Sessions Judge, Bhatinda on the same day itself. On the basis of the said information, judicial enquiry has been commenced by Mr. Daleep Kumar, Judicial Magistrate Ist Class, Phul under Section 176 Cr.PC.

Learned State counsel further contends that the post-mortem on the dead body of the deceased was also conducted by a Medical Board of doctors of Civil Hospital, Rampura under the supervision of Mr. Daleep Kumar, Learned Judicial Magistrate Ist Class, Phul on 07.02.2023. The entire post mortem examination was videographed and the viscera was sent to the medical examination for further examination. The reports from the office of Chemical Examiner, Kharar and Guru Gobind Singh Medical College and Hospital Faridkot are awaited. Learned State counsel further contends that Gurlal Singh was a habitual drug user, which is also borne out from injury No.1 mentioned in the post examination report as “multiple round small dark spots were found present over anterior aspect of upper 1/3rd of both right and left forearm”. Apart from that, one FIR No. 73 dated 02.07.2017, under Section 15, 25 of NDPS Act, Police Station Rampura City was also found registered against the Gurlal Singh (since deceased) regarding recovery of 15 Kg poppy husk from him. The case is stated to be under trial before the Court of Learned Judge, Special Court, Bhatinda in this regard. Learned State counsel further contends that neither the petitioner nor his son Jagmeet Singh are connected

with the suicide by Gurlal Singh, in any manner and they are not required in any criminal case by the police. Learned State counsel has further assured the Court that appropriate steps shall be taken for the protection of life and liberty of the petitioner, in accordance with law.

In view of the above, this Court is of the considered opinion that the police has already taken appropriate action in the matter of suicide by Gurlal Singh in police custody. However, if any investigation/enquiry is pending, the same shall be conducted by the competent authorities in accordance with law, without getting influenced by the observations made by this Court in the present order. Still further, respondent No.3 is directed to ensure that no police officer harasses the petitioner and his family members and their life and liberty are protected and necessary steps shall be taken by respondent No.3 in this regard.

With these observations, no further orders are required and the present petition is disposed off.

(N.S.SHEKHAWAT)
JUDGE

28.03.2023
hitesh

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