

2023:PHHC:161986

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

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CWP-19764-2023

Date of Decision: 12.12.2023

KULDEEP SINGH

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jaspreet Singh Brar, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for issuance of directions to the respondents No.2 to form an SIT of senior police officers outside District Moga to investigate the matter regarding death of Navpreet Kaur Sran in Police Post Lapon, which is alleged to have been a result of custodial torture on the part of the respondents.

Counsel for the petitioner contends that he was married to Navpreet Kaur Sran and one daughter namely Jaspreet Kaur was born on 26.12.2013, who is approximately 10 years of age. On 24.07.2023, the petitioner alongwith his wife Navpreet Kaur Sran and nephew Sahajdeep left from Village Kaliewala for Village Badni Khurd, District Moga to meet his relatives and while travelling in their car bearing Registration No.PB29-M-4140, they reached near outer periphery of village Daudhar, when the said car was intercepted by certain unknown persons, who were

in civil dress. They asked the petitioner to leave the driver seat and to sit in the car; and they brought the car to Police Post Lapon. The respondents started interrogating the wife of the petitioner unnecessarily and asked her to hand over the drugs, however, the wife of the petitioner, having no concern with such activities, faced the hostile environment to which she was not used to. She was continuously harassed by the respondents. She fell unwell whereafter the police officials called RMP doctor, but she died while in police custody. The petitioner submitted application for formation of the SIT into the incident, however, no action was taken thereupon. Aggrieved thereof, the petitioner filed the present writ petition.

Short reply by way of affidavit of Manjeet Singh, PPS, Deputy Superintendent of Police, Sub Division Nihal Singh Wala has been filed wherein it is averred that Kuldeep Singh got his statement recorded to ASI Chamkaur Singh of Police Station Badhni Kalan to the effect that on 24.07.2023, he alongwith his wife was going from village Jagroan to his in-laws' village at Badhni Khurd in their car bearing Registration No.PB29-M-4140; and that after searching the car as well as on their personal search, they were allowed to depart from said the village. On the way, Navpreet Kaur Sran wife of Kuldeep Singh became nervous and she suffered a heart attack. He took her to Mehro Hospital, Moga and the doctor declared her to be dead. Kuldeep Singh further stated that he was not satisfied with the declaration of Mehro Hospital; so he brought his wife to Civil Hospital, Moga, where also she was declared dead and her dead body was placed in the mortuary of the Civil Hospital. Kuldeep Singh had further stated in his statement that his wife Navpreet Kaur Sran had died due to heart attack and

no police official was responsible for the death of his wife and he does not want any action to be taken against anyone. It is further averred in paragraph No.4 that the information was received through MHC Harjit Singh of Police Station Badhni Kalan about the dead body of Navpreet Kaur Sran lying in the mortuary of the Civil Hospital and the Investigating Officer was sent there. The statements of the witnesses were duly recorded and the proceedings under Section 174 of the Cr.P.C. were initiated. A General Diary No.033 dated 25.07.2023 was also recorded. During the course of inquest proceedings, the requisite forms were filled up and statements of Kulvir Singh son of Mohan Singh, Gurpreet Singh @ Gauri son of Jasvir Singh son of Teja Singh (brother of deceased Navpreet Kaur Sran) were also recorded and they expressed 'no foul play' in the said proceedings. Postmortem examination was also conducted by a Medical Board consisting of three doctors. No injury marks were found on the dead body of Navpreet Kaur Sran. Viscera parcel containing parts of stomach, small and large intestine, kidney, spleen, liver, gall bladder as well as lungs was prepared and sealed by the doctors. Histopathology examination of the same was conducted and the report thereof was also received from the chemical examiner. After receipt of the report, the Medical Board reconsidered the outcome and came to a conclusion that the death of Navpreet Kaur Sran was on account of congestive heart failure and not on account of any custodial interrogation. The inquest report was thereafter filed before the Sub Divisional Magistrate, Sub Division Nihal Singh Wala and the same was accepted by him on 31.10.2023.

Counsel for the petitioner, however, contends that copy of the abovesaid proceedings has not been furnished to the petitioner and as such, he is not in a position to controvert or respond to the same.

Learned State Counsel, on instructions from ASI Gurpreet Singh, undertakes that the requisite documents including the inquest proceedings and the statements of witnesses recorded during the course of such proceedings would be supplied to the petitioner within a period of two weeks of receipt of certified copy of this order.

The present petition is accordingly disposed of at this stage, without commenting on the merits of the present case, with a direction that the respondents shall supply the copy of the inquest proceedings conducted by the respondents under Section 174 of the Cr.P.C. including the statements of the witnesses, PMR and viscera/histopathology report; and the petitioner may thereafter, if so advised, take recourse to his remedies in accordance with law.

Petition stands disposed of accordingly.

12.12.2023.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No