

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on 8th of December, 2023
Pronounced on 11th of March, 2023

CRM-M No.17452 of 2020

Mukul Garg

....Petitioner

Versus

Central Bureau of Investigation and another

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pratham Sethi, Advocate,
Mr. Pranshul Dhull, Advocate and
Mr. Kanishk Sarup, Advocate for the petitioner.

Mr. Rajeev Anand, Advocate
for respondent No.1-CBI.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

PANKAJ JAIN, J.

By way of present petition filed under Section 482 Cr.P.C.
the petitioner prays for issuance of direction to respondent No.1-
Central Bureau of Investigation to re-investigate the custodial death of
Ramandeep Kaur in FIR No.93 dated 13th of June, 2019 registered for
the offence punishable under Section 304-A (Sections 465, 468, 471
added later on) of the Indian Penal Code, at Police Station Dugri,
District Ludhiana.

2. An FIR No.109 dated 3rd of August, 2017 registered for offences punishable under Sections 379/420/465/467/468/471/201/120-B IPC and Section 66 of I.T., Act, at Police Station Dugri, District Ludhiana came into being on the information suffered by one Balram Chhibar alleging that a sum of Rs.29,000/- was fraudulently debited from his bank account with Union Bank of India in the intervening night of 13th June, 2017 and 14th June, 2017. The petitioner claims that he along with his fiancée i.e. deceased Ramandeep Kaur were illegally picked on 3rd of August, 2017 by the Police in the investigation relating to the aforesaid FIR and were interrogated. It was during the said interrogation that Ramandeep Kaur died during interrogational torture meted out to her on the intervening night of 4th /5th of August, 2017. It is further claimed that uncle of the petitioner and his sister approached Director General of Police, Punjab complaining custodial death of Ramandeep Kaur. When the local police came to know of those complaints whole of the record of the police was manipulated and special report dated 13th of August, 2017 was prepared projecting the case of custodial death to be that of suicide and made as part of said cover-up measure. Thereafter, the petitioner made repeated attempts to get justice. He approached this Court by way of CRM-M No.33956 of 2017 in which directions were issued to constitute SIT vide order dated

18th of March, 2019. SIT was constituted and submitted its report which led to registration of present FIR under Section 304-A IPC.

3. Counsel for the petitioner has relied upon report dated 9th of March, 2018 passed by JMIC, Ludhiana which called for conducting inquiry and proper investigation through an independent agency. He further submits that there are unexplained injuries on the wrists of the deceased which *prima facie* point this to be a case of homicidal death and not a suicide. He contends that the manner in which the inquiry has been botched up, is evident from the fact that the knife is stated to have been found from the undergarments of the deceased and handed over to ASI Sukhdev Singh but the same does not find any mention in the report conducted by the SIT. It is, thus, contended that admittedly it being a case of custodial death, the same needs to be investigated by an independent agency who is free from the influence of police.

4. Counsel for the petitioner refers to the statement of the petitioner recorded by SIT and inquiry by Magistrate to show that the petitioner as well as deceased were being interrogated and were terrified to the extent that the petitioner urinated in his pants. He refers to the statement of Kuldeep Sharma, Superintendent of Police, Headquarter, Fazilka who admitted that he interrogated the petitioner and left police station at 12-12:30 AM on the fateful night and the

deceased was admitted to hospital at 6:30 AM. Further reference has been made to the statement of Dr. Savita Shukla, Medical Officer to show that there were hesitation cuts on the wrist of the left hand of the deceased and further on the statement of Dr. Lalit Garg who was posted in Pancham Hospital as Medical Officer to show that Ramandeep Kaur when taken to the hospital was in unconscious condition.

5. State Counsel does not deny that Ramandeep Kaur died in the police custody. He however submits that during the investigation it has been revealed that it is a case of suicide and not homicide. He has invited attention of this Court further to the pleadings raised by the petitioner in CRM-M No.33956 of 2017 to contend that the stand taken by the petitioner in the present case is improvement over his initial version as pleaded in the said petition. State Counsel thus asserts that the petitioner having not come to the Court with clean hands, the prayer made in the present petition needs to be rejected on this ground alone.

6. I have heard counsel for the parties and have carefully gone through records of the case.

7. The petitioner earlier approached this Court by way of CRM-M No.33956 of 2017. The operative part of the order dated 18th of March, 2019 reads as under:

“Needless to say that the petitioner has already withdrawn his prayer for the CBI probe in the case as stated in the order dated 13.09.2017. Therefore, considering the rival submissions made by learned counsel for the parties and after going through the record as well as the report of the Judicial Magistrate Ist Class, Ludhiana, **the Director General of Police, Punjab is directed to constitute a Special Investigating Team, to be headed by an Officer not below the Rank of Additional Director General of Police, Punjab and the other members of the team should not be below the Rank of Additional Deputy Commissioner of Police and Assistant Commissioner of Police i.e. Rank of respondents No.6 and 7, who will conduct an enquiry and submit the report within a period of 03 months from the date of receipt of certified copy of this order before the Illaqa Magistrate.**

Disposed of accordingly.”

8. The matter relates to the death of a young girl in police custody. Prayer is for directing the Central Bureau of Investigation to reinvestigate the death. Before commenting on to the facts of the present case, it will be apt to keep in mind the settled Fundamental Principles laid down in various binding precedents that govern exercise of extraordinary powers at the hands of the Constitutional Courts while issuing directions to transfer investigations to the independent agencies like CBI.

9. Constitution Bench in '**State of West Bengal vs. Committee for Protection of Democratic Rights**', (2010)3 SCC 571 observed that though no inflexible guidelines can be issued but an order directing the CBI to investigate cannot be passed as a matter of routine or merely because a party has levelled some allegations against the local police. Apex Court further held that powers can be exercised in exceptional situations like -

- (a) where it becomes necessary to provide credibility and instil confidence in investigations or
- (b) where the incident may have national and international ramifications or
- (c) where such an order may be necessary for doing complete justice and enforcing the Fundamental Rights.

10. Further in '**K.V. Rajendran vs. Superintendent of Police**', (2013) 12 SCC 480, Apex Court observed that to retain public confidence in the impartial working of the State agencies it is imperative to have a fair, honest and complete investigation. The aforesaid principles have been reiterated in '**Himanshu Kumar vs.**

State of Chhatisgarh’, (2023) 12 SCC 592 and ‘Anant Thanur Karmuse vs. State of Maharashtra and others’, (2023) 5 SCC 802.

11. Gazing at the facts of the present case through the prism of aforesaid settled principles of law, this Court has to adjudicate *whether the facts of the present case need reference to an independent agency or not?*

12. The first report available on the records is by Judicial Magistrate 1st Class, Ludhiana, dated 9th of March, 2018 placed on record by petitioner at Annexure P-15. The concerned Magistrate was on duty on 5th of August, 2017. She reached the concerned Police Station at 1:30PM to ascertain the cause of death of deceased Ramandeep Kaur. She recorded statements of ASI Sukhdev Singh, present petitioner Mukul Garg, that of Rajinder Kumar uncle of Mukul Garg, statements of Lady Constables Amandeep Kaur and Rajwinder Kaur who were on night duty in the police station on the fateful night. Mukul Garg in his initial version recorded by the Magistrate stated that he does not feel that there was any foul play by the police in death of Ramandeep Kaur but alleged negligence of the lady constables on duty in whose custody Ramandeep Kaur was. Lady Constables Amandeep Kaur and Rajwinder Kaur also suffered statement that they were on night duty in the police station. Accused Ramandeep Kaur was handed

over to them at around 12:30AM after interrogation. Ramandeep Kaur went to toilet 2-3 times that night and when she went 3rd time she bolted the door of the toilet from inside. When they called Duty Officer ASI Sukhdev Singh and Munshi Rajinder Singh present in police station, the door was broken and accused Ramandeep Kaur was found hanging there with her *dupatta*. On the asking of the Duty Magistrate, a Medical Board was constituted and Post-Mortem was conducted. The Magistrate further opined as under:

“The postmortem report (**Annexure-12**) was prepared by the concerned Doctors and it was opined that accused Ramandeep Kaur ***died due to asphyxia as a result of hanging (antemortem) which is sufficient to cause death in ordinary course of nature.*** They, also, submitted that all injuries were antemortem. The recording of the postmortem was also handed over in a CD (Annexure-13) along with sample seals (**Annexure-14**).

Having recorded the statements of all concerned and perusing the circumstances as disclosed, undersigned is of the opinion that death of Ramandeep Kaur cannot be said to be natural in any manner. Though it is asserted by the police officers (in whose custody Ramandeep Kaur was kept) that she had committed suicide, however, the fact that the whole incident happened after she was interrogated late till midnight puts a huge doubt over her death. Proper investigation through an independent agency is necessary for adducing the truth behind the incident as it was disclosed to undersigned that investigation qua the whole incident is being done by the SHO P.S. Dugri, himself. The possibility of prejudice cannot be ruled out in these circumstances.”

13. The petitioner earlier approached this Court by way of petition bearing CRM-M No.33956 of 2017 *ibid*. On affidavit, he stated as under:

“6. That during the intervening night of 04/05.08.2017, not bearing the torture and beatings of the police, Ramandeep Kaur the fiancée of the petitioner died in the custody of police station Dugri Ludhiana. The police never informed the petitioner and his relatives regarding the death of Ramandeep Kaur. Rather the petitioner was informed by his Chacha Rajinder Kumar about the death of Ramandeep Kaur who came to know about the same from Newspapers on 05.08.2017. It was informed by the police to the media that Ramandeep Kaur had committed suicide in the police station.”

14. In the said petition, on the first day he gave up his prayer for CBI inquiry. The petition finally led to formation of SIT.

15. Coming on to the inquiry report submitted by SIT, the same reads as under:

“Special Investigation Team upon carefully examining the orders dated 18.03.2019 passed by Hon'ble Mr. Justice Sh. Arvind Singh Sangwan of Hon'ble Punjab & Haryana High Court, Chandigarh in the petition filed by the petitioner Mukul Garg before Punjab & Haryana High Court, Chandigarh CRM No. 33956 of 2017 (O&M), case file of case Number 109 dated 03.08.2017 U/s 379,420,465,467, 468, 471,201,120B of I.P.C., and 66 I.T. Act, Police Station Dugri, Ludhiana, Judicial Inquiry report conducted by Smt. Pawleen

Singh, Judicial Magistrate 1st Class, Ludhiana in connection to death of deceased Ramandeep Kaur and statement of Mukul Garg recorded before the learned Judge, statements recorded by Special Investigation Team, post mortem report, it transpired that one application UID Number 1153105 dated 19.09.2017 was filed by Balram Chhibar S/o Madan Lal Chhibar R/o House Number 1083, Street Number 05, Bhai Himmat Singh Nagar, Dugri Ludhiana that on dated 13/14.06.2017 in the night from his account Number 508002010015722 maintained with Union Bank of India, some unknown persons have withdrawn sum of Rs. 29000/-, that after conducting inquiry of this application a case Number 109 dated 03.08.2017 U/s 379,420,465, 467,468,471,201,120B of I.P.C., and 66 I.T. Act, was registered at Police Station Dugri, Ludhiana against unknown persons.

During investigation complainant of the case Balram Chhibar above named recorded his supplementary statement on dated 04.08.2017 with the Investigation officer that "He has carried out inquiry at his own level that his amount has been withdrawn by Mukul Garg S/o Late Bharat Bhushan and a girl living with him namely Ramandeep Kaur D/o Inderjit Singh Residents of House Number 594- Phase-01, Urban Estate Dugri Ludhiana in collusion with another person, because such like cases have already been registered against them at Chandigarh in different Police Stations. Therefore, legal action may be initiated against them and through them rest of the persons may be traced.

Whereby Station House Officer Police Station Dugri in the above mentioned case had nominated Mukul Garg and Ramandeep Kaur and called them in Police Station for conducting enquiry, and for conducting enquiry from them in the Police Station Sh. Kuldeep Sharma, P.P.S. A.D.C.P, Industrial Security, Commissionerate Ludhiana and Smt. Rupinder Kaur Bhatti, P.P.S. A.C.P Headquarter and Additional Charge Cyber Cell Ludhiana came present in Police Station,

they also conducted enquiry from above named. During enquiry upon finding Mukul Garg and Ramandeep Kaur as lawful accused persons, they were arrested in above mentioned case as per Rules, thereafter above mentioned officers went back from Police Station, in this regard Mukul Garg has also admitted in his statements that above mentioned officers had gone back after conducting interrogation. Station House Officer had lodged Mukul Garg in the Lockup and left Ramandeep Kaur in his retiring room of Station House Officer where two beds were fixed, there under the supervision of Lady Constable Amandeep Kaur Number 365/Ludhiana and Lady Constable Rajwinder Kaur Number 3932/Ludhiana and went from Police Station time at around 1-1/2 or 02.00 hrs.

Apart from that Constable Jaskirat Singh Number 1544/Ludhiana who was on Santry duty on the night of 04/05.05.2017, has also stated in his statement that he had checked Mukul Garg in the lockup and he was alright. He went to check Ramandeep Kaur toward her room and saw that Lady employees had bolted the door from inside, as a result of which he came back to his post and stood there for his duty and kept on monitoring Mukul Garg.

In the morning of dated 05.08.2017 Lady Constable Rajwinder Kaur came to the room of night Munshi Arshpreet Singh Number 1315/Ludhiana and informed that Ramandeep Kaur has bolted the door of the Bathroom from inside and is not opening the door. Whereby Munshi Arshpreet Singh Number 1315/Ludhiana accompanied by Santry Jaskirat Singh 1544/Ludhiana and Duty Officer A.S.I Sukhdev Singh Number 1332/Ludhiana went inside the room and tried to open the door and upon not opening of door broke the bold and saw in the bathroom that Ramandeep tied her chunni with the frame of the door and noosed her throat with it. Who was alighted by above named immediately and put her in Government vehicle and took her to Pancham Hospital, where the Doctor declared Ramandeep

Kaur as Brought dead and while sending Police Information report Number 231, dated 05.08.2017 to Police Station Shaheed Bhagat Singh Nagar, Ludhiana, shown ligature mark upon her throat and Tentative cuts upon her right wrist. Whereby from Police Station Dugri A.S.I Sukhdev Singh Number 1332/Ludhiana along with Police submitted a written application to the Doctor of Pancham Hospital for getting the Post mortem of dead body of deceased Ramandeep Kaur, then Doctor while handing over dead body of the deceased to A.S.I. Sukhdev Singh, handed over the knife recovered from the undergarments deceased Ramandeep Kaur to him, (As per record of Pancham Hospital), who took the custody of knife and not brought the same on record nor handed over to anyone.

In concern of recovering of knife from the under garments of deceased Ramandeep Kaur the Special Investigation Team conducted enquiry from the concerned Police employees Lady Constable Amandeep Kaur 365/Ludhiana and Lady Constable Rajwinder Kaur Number 3932/Ludhiana that how and from where this knife came despite Ramandeep Kaur was being in Police custody, then in this regard lady employees could not give any clear reply and in this regard duty officer A.S.I. Sukhdev Singh also could not give any satisfactory answer.

That after receipt of information of death of Ramandeep Kaur by Sh. R.N. Dhole, Commissioner of Police Ludhiana, he came to Police Station Dugri and for conducting Judicial Inquiry in respect of death of Ramandeep Kaur wrote a letter No. 77453/H.R.C. dated 05.08.17 to Hon'ble District Session Judge, Ludhiana, according to which vide their endorsement Number 12018/G dated 05.08.2017 duty of Smt. Pawleen Singh, Judicial Magistrate 1st Class, Ludhiana. That thereafter Hon'ble Judge inspected the spot and for knowing the causes of death recorded statement of accused Mukul Garg, Rajinder Kumar S/o Mehar Chand, S.H.O. Dalbir Singh, Lady Constable Amandeep Kaur

365/Ludhiana, A.S.I. Sukhdev Singh 1332/Ludhiana, Lady Constable Rajwinder Kaur 3932/Ludhiana and along with the circumstances of death enquiry was also conducted for locating the legal heirs of Ramandeep Kaur.

That Mukul Garg during inquiry by the Hon'ble Judge stated in his statement that Ramandeep Kaur was living together with him since last 7-8 years in the house of his Uncle Rajinder Kumar at House Number 594-Urban Estate, Phase-1, Dugri, Ludhiana and they were in relationship since last 3-4 years and they were to solemnize their marriage in the end of year 2017 and were waiting for the decision of the cases registered at Chandigarh. Apart from that Mukul Garg in his statement recorded before the Hon'ble Judge has also stated that "I don't feel there is any foul play by Police in causing death of Ramandeep as they would not get anything out of her death. It was not a murder/or any serious offence of high gravity and neither we were wanted criminals or proclaimed offenders. It appears to be negligence of lady constables on duty. Ramandeep was sensitive qua cases and very much depressed by the legal harassment of the cases. The way she was interrogated and the way officered threatened and the way I was screaming she took/must have took this step. She was possessive about me" He has also admitted that "I want to mention that Ramandeep was sensitive by nature and was not in mental position to bear legal harassment but due to my assertion she came to police station." As far as the question of family members of Ramandeep Kaur is concerned, Parents of Ramandeep Kaur have since been died and she does not have any other family member. In this regard Uncle Rajinder Kumar of Mukul Garg had also stated in his statement that there is no one available apart from Mukul Garg. Hon'ble Judge after believing that there is no legal heir of Ramandeep Kaur then she got conducted post mortem of Ramandeep Kaur in her presence, handed over the dead body for funeral to the legal heirs present at the spot (Uncle of the

Petitioner Rajinder Kumar), who in presence of Mukul Garg had performed the funeral.

But now the petitioner Mukul Garg has mentioned in his petition that the Police has forcibly made to cremate Ramandeep Kaur and her parents and relative were not awaited. In this regard upon investigation of Special Investigation Team this fact has come to fore that Mukul Garg and his Uncle Rajinder Kumar during their recording statement before Smt. Pawleen Singh J.M.I.C. Ludhiana, due to not having any legal heir of Ramandeep Kaur got dead body of the deceased from Civil Hospital, Uncle of Mukul Garg had performed the funeral in the presence of Mukul Garg, in case they were not the legal heirs of Ramandeep Kaur, then they should not get the dead body of Ramandeep Kaur.

That now during investigation of Special Investigation Team this fact has come to fore that parents of Ramandeep Kaur are alive and father of Ramandeep Kaur namely Parvesh Chander Sharma S/o Janak Raj Sharma R/o 8214/4, New Maya Nagar, Near Sidhi Vinayak Mandir, Ludhiana, has recorded in his statement that real name of Ramandeep Kaur is Alisha Sharma, and since her daughter was not under his control so he had disowned her on dated 01.02.2012. But Mukul Garg had concealed all these facts from Judicial Magistrate 1st Class.

Accused Mukul Garg S/o Bharat Bhushan Garg in his C.R.M. petition filed has levelled allegation that Police of Police Station Dugri, Ludhiana had taken him on midnight of dated 04/05-08.2017 to Bagga Nursing Home, Phase-1, Urban Estate, Dugri, Ludhiana for treatment of injuries inflicted to him. In this regard the SIT made to join Doctor Inderjit Singh Bagga, Bagga Nursing Home, Urban Estate, Phase-1, Dugri and conducted enquiry, who while submitting the O.P.D. Register of dated 04/05.08.2017 in the night stated that the Police of Police Station Dugri had not brought any patient namely Ramandeep Kaur or Mukul Garg in their nursing home for treatment.

In the investigation carried out by Special Investigation Team on dated 05.08.2017 Medical Board of Doctors who conducted Post Mortem Examination of deceased Ramandeep Kaur, Doctor Savita Shukla, Medical officer, Civil Hospital, Ludhiana, now E.S.I. Dispensary Number 06 Ludhiana and Doctor Harish Kirpal, Medical Officer, Civil Hospital were made to join investigation proceedings and they shown the C.D. of conducting post mortem examination of Ramandeep Kaur and it was discussed regarding cause of death and injuries as mentioned in the Post Mortem Report. Whereby they stated that Post Mortem examination was conducted in the presence of Smt. Pawleen Singh J.M.I.C. First Class, Ludhiana. During Post mortem examination upon the throat of deceased Ramandeep Kaur there was dark brown mark 12 X 1 Inch upon the throat of deceased Ramandeep Kaur and on the right side of the throat below the ear there was spare area of 02 Inch, whereupon there was no mark. This spare area used to found in hanging cases and not in strangulation cases. On the left side of the mouth marks of dribbling of saliva was present, which used to be found in Ante mortem hanging cases. Upon examination of Ligature mark Glistening white tissue was also found. Which used to be found in hanging cases. Ligature mark upon the throat of the deceased appears to with some cloth and not appears with the rope.

Apart from that on the wrist of right hand of the deceased (Front side) two hesitation cut, which were around 02 Inch and on the wrist of left hand of the deceased (Front side) there was 01 incised wound, which was 1 X 0.25 CM. In this regard the petitioner has levelled allegation that hands of Ramandeep Kaur were tied with rope and she was beaten, in this regard as per the statement recorded by Medical Board no such evidence has come to fore. Because both the cut marks upon both the wrists of the deceased appears to be self inflicted and not by someone else. Apart from that the Medical team who conducted Post mortem have also clearly mentioned in the post mortem report

that there was no fresh mark or injury was present upon the body of the deceased nor where there any struggle marks. We didn't found any marks of any rope or any other item upon the hands and feet of the deceased.

In this case the cause of death was been described by the Board as Asphyxia due to hanging (Ante Mortem). In this case the cause of death is not strangulation.

Upon till date concluding investigation conducted by Special Investigation Team this fact has come to fore that the petitioner Mukul Garg has levelled allegation that Ramandeep Kaur was tied with a rope and was hanged and the Police has done lot of torture upon her, while not tolerating it Ramandeep Kaur got died. That according to Post mortem report and according to the opinion of Medical Board the death of Ramandeep Kaur has taken place due to hanging, not had taken place with strangulation. Investigation of Special Investigation Team and statements of the Doctors who performed Post Mortem and according to Medical report the was no other mark of injury upon the body of Ramandeep Kaur and upon investigation of Special Investigation Team also this fact has come to fore that the Police had conducted only normal interrogation from Ramandeep Kaur, neither was she assaulted nor any fact has come to fore regarding tying her hands and feet with a rope and to hanging her. In the statements recorded by the Doctors it has also been clarified that death of Ramandeep Kaur had not taken place due to torture by the Police, rather had taken place due to committing suicide by her and cut marks upon her both the hands were also appeared to be inflicted by herself.

Likewise during investigation in the petition the answering party Sh. Kuldeep Sharma, P.P.S. A.D.C.P. Industrial Security, Commissionerate Ludhiana and Smt. Rupinder Kaur Bhatti, P.P.S. A.C.P Headquarter and who was also the supervision Officer, Cyber Cell, Ludhiana, had gone to Police Station Dugri for conducting formal interrogation from Mukul

Garg and deceased Ramandeep Kaur and had gone from Police Station after conducting interrogation, they had not assaulted deceased Ramandeep Kaur, because according to the statements of Medical Board and according to Post mortem report also no fact regarding carrying out torture with Ramandeep Kaur has come to fore.

Apart from that Constable Arshpreet Singh 1315/Ludhiana, who was posted on General Duty in Police Station Dugri and due to proceeding of Night Munshi Head Constable Sukhjit Singh on leave was performing night duty and constable Jaskirat Singh 1577/Ludhiana who was night Santry, no negligence of them have come to fore in any manner whatsoever.

As far as the question of role of rest of the Answering party employees of Police is concerned that finding of knife in Pancham Hospital by the Doctor from her undergarments despite personal search of deceased Ramandeep Kaur conducted by Lady constable Amandeep Kaur 365/Ludhiana and Rajwinder Kaur 3932/Ludhiana, under their supervision inflicting injuries by deceased Ramandeep Kaur upon her arms and then by bolting the door of the bathroom and hanging noose with her Chunni and committing suicide, it goes to prove that above named lady employees had caused negligence while performing their vital duty.

Apart from that Station House Officer due to using Ladies lockup in the Police Station as Store Room, Ramandeep Kaur was kept in the room built alongside ladies lockup, whereas this room is used for staying ladies force who use to supervise the lady accused persons, this room was also been built by the Station House Officer as his own retiring room at his own level. By doing so he has submitted the proof of negligence. Had while taking cautions Ramandeep Kaur would have been lodged in the ladies lockup, her proper search would have been conducted, she would not allow to bolt the door from

inside while going to bathroom and not allowing her to carry her dupatta in the bathroom then this incidence would have been avoided to occur.

Apart from that Sh. Naveen Kumar P.P.S. Number 316/P.R. A.C.P Licensing Ludhiana was also having additional charge of Sub-Division Atam Park, who being the area supervision officer it was his duty that he may conduct inspection of Police Station and the Ladies lockup in Police Station Dugri, which was being used as Store room, may get it vacated, so that it would be used as Ladies Lockup, whereas he has not done so and nor brought the same into the knowledge of any senior officer. Apart from that in concern of reasons of taking place of custodial death of Ramandeep Kaur in Police Station Duty for carrying our further investigation he has prepared the Gimni Number 12-A at very belated stage on dated 14.08.2017. Sh. Naveen Kumar P.P.S. has not conducted proper verification of the case nor tried to remove the shortcomings. Which clearly goes to show that Sh. Naveen Kumar, P.P.S. being Area supervising officer has caused negligence while performing his duties. In this connection the Special Investigation Team has written to the Director General of Police, Punjab, Chandigarh separately for initiating departmental proceedings against Sh. Naveen Kumar, P.P.S. Number 316/P.R. That Photostat copy of the report sent is Annexure 23.

That likewise in connection of committing suicide by Ramandeep Kaur during Police custody It has been written to Commissioner of Police Ludhiana to register a case under section 304- A of I.P.C. against the employees who caused negligence (Criminal Negligence) 1) Inspector Dalbir Singh Number 2534/Ludhiana, Station House Officer Police Station Dugri, 2) A.S.I. Sukhdev Singh Number 1332/Ludhiana, Duty Officer, Police Station Dugri, 3) Lady Constable Rajwinder Kaur Number 3932/Ludhiana now 76/Khanna, and 4) Lady Constable Amandeep Kaur Number 365/Ludhiana, Photocopy

of the report sent is attached as Annexure 'B' and Police Commissioner, Ludhiana has been instructed that case may be registered and investigation of the same may be carried out through some A.D.C.P Rank Officer and apart from that during investigation signatures of the deceased Ramandeep Kaur, which have been appended upon Arrest Memo, Memo of personal search and memo of information, may be got matched from F.S.L and further investigation as per report may be carried out as per Rules xxx”

16. From perusal of the aforesaid report, it is thus clear that the petitioner Mukul Garg changed his stance before the SIT and claimed that police forcibly made them cremate Ramandeep Kaur without waiting for her parents and relatives. Whereas before Magistrate he stated that Ramandeep Kaur had no surviving legal heirs except he himself with whom she was in relation. So far as the cause of death of the deceased is concerned, this Court does not find any reason to doubt the findings of the Medical Board to the effect that the death was suicidal as there was spare area of 2 inches on the right side of the throat and on the left side of the mouth there were marks of dribbling of saliva present. The issue that has caught attention of this Court is w.r.t. the hesitation cut marks on both the wrists of the deceased and further recovery of knife from the undergarments of the deceased which was handed over to ASI Sukhdev Singh, but was conspicuously misplaced by him.

17. SIT report itself records that the lady constables on duty had no satisfactory reply as to how and from where the knife came in possession of Ramandeep Kaur who was in police custody. Not only this, all the police officials have feigned ignorance w.r.t. the cut marks on the wrists of the deceased. It has come on record that on the wrist of right hand of the deceased there were 2 hesitation cuts of around 2 inches and on the wrist of left hand of the deceased there was 01 incised wound, which was 1 X 0.25 cm. These cuts on the wrist must have bled. It is surprising that none of the police personnel on duty noticed blood and cuts on wrist of the deceased. The same have been brushed under the carpet only by saying that the Lady Constables were negligent. SIT was constituted under the orders of this Court, report suggests that SIT fumbled somewhere. Report of SIT is discrepant on the vital link w.r.t. the deceased coming in possession of knife and the knife disappearing from the whole investigation after having been handed over by the Doctors who conducted post-mortem to Sukhdev Singh the police official.

18. For the aforesaid reasons, this Court finds that the instant case would fall within the parameters as laid down by Supreme Court in the case of ***Committee for Protection of Democratic Rights (supra)*** as the true facts need to be unearthed through a committed, resolved

and a competent investigating agency to retain public confidence. It is a case of death in police custody. State cannot be allowed to hide behind the plea of shifting stand of petitioner. It cannot be a ground to deny fair investigation. Despite having been constituted under the orders passed by this Court, SIT ignored vital questions which are necessary for fair investigation of this case.

19. Consequently, the present petition is allowed. Further investigation be carried out and completed by respondent No.1 as early as possible preferably within a period of 3 months from the date of receipt of certified copy of this order.

20. The Trial in FIR No.93 dated 13th of June, 2019 *ibid* shall remain stayed till filing of supplementary report by respondent No.1.

March 11, 2024	(Pankaj Jain)
Dpr	Judge

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes