



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-454-2018 (O&M)

Date of decision: 01.08.2024

Yashwanti Devi and others

...Petitioners

VERSUS

State of Haryana and others

...Respondents

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

Present :- Mr. Ravinder Chaudhary, Advocate for the petitioners.

Mr. Pankaj Mulwani, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to grant compensation of Rs.20 lakhs to the petitioners along with interest @ 12% per annum as the son of petitioners No.1 and 2 and father of petitioner No.3 died due to unnatural/custodial death in District Jail, Jind on 27.01.2016 in view of the directions passed by the Hon'ble Apex Court in Writ Petition (Civil) No. 406 of 2013 dated 15.09.2017 in case RE-INHUMAN CONDITIONS IN 1382 PRISONS (Annexure P-5).
2. Mr. Ravinder Chaudhary, Advocate, enters appearance and files his vakalatnama on behalf of the petitioners today in the Court and the same is taken on record. Registry is directed to tag the same at an appropriate place with page marking.
3. Learned counsel for the petitioners contends that Parvinder,



son of petitioners No.1 and 2 and father of petitioner No.3, was lodged in District Jail, Jind in case bearing FIR No.669 dated 26.08.2015 registered under Section 302 IPC at Police Station City Jind, District Jind. An information was received by the petitioners on 27.01.2016 that Parvinder had died by hanging himself in Jail bathroom and in this regard a DDR No.4 dated 27.01.2017 under Section 175 Cr.P.C. was registered at Police Station City Jind. The Post-mortem was conducted at Civil Hospital, Jind. The photocopy of the post-mortem has also been appended. Inquest proceedings were also conducted and the inquest report has been submitted. The petitioners claim that Parvinder had died in mysterious circumstances while being in State custody and therefore, the respondents are liable to pay compensation on account of the unnatural death of Parvinder while in State custody.

4. Reply by way of affidavit dated 05.05.2018 of Mr. Harinder Singh, Superintendent Jail, District Jail, Jind, had been filed wherein the factum of Parvinder being in custody and he having died while in custody in not denied. It is however stated that as per the directions of National Human Right Commission and provisions of Section 176 Cr.P.C, the District and Sessions Judge, Jind had been requested by respondent No.3 to depute a Judicial Magistrate to hold inquest proceedings under Section 176 Cr.P.C. and to conduct a judicial inquiry as per the provisions of Section 176 (1-A) Cr.P.C. to ascertain the cause of death of Parvinder. The Judicial Magistrate conducted an inquiry into the affairs and as per the report (Annexure P-2), it was a case of suicide by Parvinder in Jail and not on account of any overt



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act committed by any third person. It is also stated by the Judicial Magistrate in his inquiry report that there was easy accessibility to the bathroom during the night/day without notice of anybody and viable place to hang with cemented *chokhat* present over the bathroom. Further, the door wall of the bathroom is not upto ceiling, is approximately 7' height and can easily be climbed to reach the cemented *chokhat* of the bathroom. The *Parna* cloth found on the neck of the deceased as means of hanging was his own cloth which was being used as towel-cum-muffler clothes. The inquiry officer was of the opinion that deceased-Parvinder was under depression and had the chance and means to end his life in the early morning at the bathroom with his *Parna* cloth and so he committed suicide. There was no attribution or negligence on the part of the Jail authorities and Parvinder committed suicide on his own. Further, the medical examination of the deceased was also conducted and there was no mark of any external injury on the deceased. The possibility of any foul play or negligence on the part of anybody was clearly ruled out. It is also informed that the incident in question was also considered by the National Human Rights Commission in case/file No.860/7/8/2016-JCD registered on 29.01.2016. As per the proceedings undertaken by the National Human Rights Commission, it recorded after taking into consideration all the reports i.e. Post-mortem, inquest report, histopathology report and the autopsy, that there was no indication of any foul play or negligence on the part of any jail official in the matter. The National Human Rights Commission thus held that there was no foul play or negligence and it cannot be said to be a case of violation of



human rights. The matter was accordingly closed. The relevant part of the proceedings dated 22.05.2020 are extracted as under:-

“This is in continuation of the proceedings dated 18.11.2018 wherein the reports received from concerned authorities were sent to Investigation Division for examination and action.

Pursuant to the directions given by this Commission in the last proceedings dated 18.11.2018, the Investigation Division has examined the report and concluded as under:

"In this case, UTP Parvinder (age 33 years) was admitted in the jail on 29/08/2015. He committed suicide on the intervening night of 26-27/01/2016. At an inconspicuous place i.e. bathroom of his barrack. As per PMR, there was no external injury on the body except ligature mark on the neck. During magisterial enquiry conducted by Judicial Magistrate, the brother of the deceased and co-inmates of the deceased did not raise any suspicion in the death. The autopsy doctors have opined the final cause of death (pg. 202/c) based on viscera and histopathology report as "mechanical asphyxia due to hanging and it seems to be suicidal. The enquiry magistrate concluded that UTP Parvinder died due to suicide. The analysis of file does not indicate any foul play or negligence of anyone in the



matter."

The Investigation Division has recommended for closure of the case by The Investigation Division had recommended for taking the material on record and closed the case.

The Commission has carefully examined the recommendation and from MER it is evident that this case is of suicide by UTP Parvinder and there is no foul play(sic.) or negligence on part of anybody. Therefore it cannot be said that there is any violation of human right in this case, accordingly this case is closed."

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

6. Even though the case of the petitioners is that they are entitled to compensation on account of death of Parvinder in view of the judgment of the Hon'ble Supreme Court in Writ Petition (Civil) No. 406 of 2013 dated 15.09.2017 in case RE-INHUMAN CONDITIONS IN 1382 PRISONS (Annexure P-5), however, the said judgment is not attracted to the facts of the present case. It is not a case that an unnatural death has happened in judicial custody on account of any overt act or omission or commission or negligence on the part of the State authorities. It is also not the case established on record that the conditions of the prisoners of the District Jail, Jind were inhumane. Further, the matter has already been inquired into by



the Judicial Magistrate while carrying out the inquest proceedings and has also been re-considered by the National Human Rights Commission and the record including the post-mortem report, histopathology report of the viscera do not substantiate any foul play.

7. In the given circumstances, it does not call for any direction to be issued to the respondent-State to pay compensation for an act which was undertaken/conducted by Parvinder (deceased) on account of his psychological condition and being under the depression. The respondent-State cannot be held liable for such act of the prisoners where they inflict harm to themselves on their own. The liability of the respondent-State could have been fastened only in case the State negligence or lapse could have been established.

8. I am of the view that there is no necessity to issue directions as prayed for.

9. **The present petition is accordingly dismissed.**

(VINOD S. BHARDWAJ)
JUDGE

01.08.2024
Mangal Singh

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