



CRM-M-31058-2015 (O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31058-2015

Date of Decision:- 19.08.2025

PARAMJIT KAUR & ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA & OTHERS

.....Respondents

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navkiran Singh, Advocate with
Ms. Harpreet Kaur, Advocate
for the petitioners.

Mr. Vipul Sherwal, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for issuance of directions to respondent No.4-Crime Branch Haryana to complete its inquiry in the matter of the false encounter of the son of the petitioners as per the guidelines laid down by the Hon'ble Supreme Court in case of *People's Union for Civil Liberties & another Vs. State of Maharashtra & others*, 2014(4) RCR (Criminal) 423 in FIR No.457 dated 21.11.2014 registered under Sections 302/307/323 IPC and 25/54/59 of Arms Act, 1959 at Police Station Thanesar Sadar, District Kurukshetra.

2. The facts narrated in the FIR disclose that on the night of 20.11.2014 a wireless message was received by the police concerning two young boys snatching a vehicle No.HR-05-AF-6000, Eco Sport. On receiving the information Inspector Sanjiv Kumar alongwith ASI Kuldeep Singh, ASI Rajesh Kumar, HC Mahender Singh travelling in a government

**CRM-M-31058-2015 (O&M)**

vehicle being driven by driver Karamvir started a nakabandi on the Ladwa Road near Police Station Thanesar. Around 11.45 PM the police party saw the same vehicle coming, which was allegedly snatched by the two young boys, who on seeing the police party abandoned the vehicle near the zoo on the G.T. Road at Pipli, ran away and fired at the police party. Then, as the version discloses one of the young boys fired at the police party due to which ASI Kuldeep Singh got injured and when the remaining police party ran towards them, then the youth also fired towards them and the police officials fired 2/3 shots in their self-defence and the running youth also received bullet injuries. Later on ASI Kuldeep Singh died due to the firearm injury caused by the youth and the youth also died due to injuries sustained by him due to police firing. The copy of the FIR is attached as Annexure P-1 to the petition.

3. The petitioners preferred their first petition seeking the conducting of a detailed inquiry regarding the alleged encounter of their son. The petition was disposed off with a direction to respondent No.3 to look into the matter expeditiously in view of the judgment in **People's Union for Civil Liberties & another Vs. State of Maharashtra & others, 2014(4) RCR (Criminal) 423**. The copy of the said order is attached as Annexure P-5 to the present petition.

4. Thereafter, the instant second petition has been filed with the prayer that the State Crime Branch complete its inquiry into the encounter of the son of the petitioners in terms of the judgment in **People's Union for Civil Liberties** (supra) or the matter be referred to the CBI for investigation.

5. The learned counsel for the petitioners contends that their son

**CRM-M-31058-2015 (O&M)**

Karanjeet Singh had received five bullet injuries four of which were from a close range and the entry point of these injuries discloses blackening around the same which only goes to show that it was a case of a false encounter in which their son was murdered. The 5th injury on the foot seems to be the only genuine injury. Reference is made to the postmortem report (Annexure P-2). He contends that the report of the SDM, Thanesar who conducted the magisterial inquiry is an eye-wash and the aspect of the injuries having been received by the deceased from a close range thereby concluding the case to be a *prima facie* false encounter has not been considered. He contends that the Hon'ble Supreme Court in the case of **People's Union for Civil Liberties** (supra) has laid down certain guidelines in cases of police encounters which have been flouted in the instant case which if followed would establish the case to be one of a fake encounter. He contends that the direction issued in **People's Union for Civil Liberties** (supra) be applied with. In the alternative, he prays that the matter be referred to the CBI for investigation as there are serious allegations against the police officials.

6. On the other hand, the learned State counsel contends that an SIT had been constituted by the DGP, State Crime Branch, Haryana which has conducted the investigation into the main case under the supervision of DSP, SCB, Headquarters, Panchkula. As per the said report dated 27.07.2016 permission was sought to submit the challan of a proclaimed offender namely Amit Kumar Sharma in FIR No.457 dated 21.11.2014 U/s 302, 307, 323 IPC and 25/54/59 Arms Act, P.S. Thanesar District Kurukshetra wherein the circumstances in which ASI Kuldeep Singh and Karanjeet Singh died has been discussed in detail. Further, no evidence was found against accused

**CRM-M-31058-2015 (O&M)**

Randhir Singh, Charanjeet Singh and Satnam Singh. If in future, any such material was found against them, appropriate action would be taken. No separate finding report or investigation report has been prepared. However, the conclusion has been reached that Karanjeet Singh had died in a genuine police encounter during which one police official namely ASI Kuldeep Singh also lost his life. Karanjeet Singh was a habitual offender with 11 cases against him whereas Satnam Singh (petitioner No.2) had as many as 14 cases registered against him. The magisterial inquiry has conclusively found that it was not a case of a fake encounter. As regards the blackening of the injuries on the person of the deceased, he contends that ASI Kuldeep Singh has also received three gunshot injuries and there is blackening around the same as well which goes to show that the deceased police official was shot by Karanjeet Singh from a close range after which Karanjeet Singh was shot dead by the police official in self defence also from a close range. Apparently, the police party comprising of ASI Kuldeep Singh and Karanjeet Singh were in close proximity with each other and it is not a case where Karanjeet Singh was apprehended and shot dead at point blank range later. He contends that even otherwise, there is no violation of the judgment in **People's Union for Civil Liberties**(supra) inasmuch as not only has the magisterial inquiry been conducted but an investigation has taken place and if the petitioners were so aggrieved, they could have made a complaint to the then Sessions Judge as per the judgment in **People's Union for Civil Liberties**(supra) itself. However, for reasons best known to the petitioners, they did not avail any such opportunity. He, therefore, contends that the present petition is liable to be dismissed.



CRM-M-31058-2015 (O&M)

7. I have heard the learned counsel for the parties and have gone through the record.

8. It would be apposite to examine the judgment in **People's Union for Civil Liberties**(supra) and para 31 of the same is reproduced hereinbelow:-

“31. In light of the above discussion and having regard to the directions issued by the Bombay High Court, guidelines issued by NHRC, suggestions of the appellant - PUCL, amicus curiae and the affidavits filed by the Union of India, State Governments and the Union Territories, we think it appropriate to issue the following requirements to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation:

(1) Whenever the police is in receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.

(2) If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay. While forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.

(3) An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer (at least a level

**CRM-M-31058-2015 (O&M)**

above the head of the police party engaged in the encounter).
The team conducting inquiry/investigation shall, at a minimum,
seek :

(a) To identify the victim; colour photographs of the victim should be taken;

(b) To recover and preserve evidentiary material, including blood-stained earth, hair, fibers and threads, etc., related to the death;

(c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of police personnel involved) concerning the death;

(d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

(e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;

(f) Post-mortem must be conducted by two doctors in the District Hospital, one of them, as far as possible, should be Incharge/ Head of the District Hospital. Post-mortem shall be videographed and preserved;

(g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.

(h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.

(4) A Magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.

**CRM-M-31058-2015 (O&M)**

(5) The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must be sent to NHRC or the State Human Rights Commission, as the case may be.

(6) The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.

(7) It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc., to the concerned Court.

(8) After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the charge-sheet submitted by the Investigating Officer, must be concluded expeditiously.

(9) In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

(10) Six monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post mortem, inquest and, wherever available, the inquiry reports:

(i) Date and place of occurrence.

(ii) Police Station, District.

(iii) Circumstances leading to deaths:

(a) Self defence in encounter.

(b) In the course of dispersal of unlawful assembly.

(c) In the course of affecting arrest.

(iv) Brief facts of the incident.

(v) Criminal Case No.

(vi) Investigating Agency.

(vii) Findings of the Magisterial Inquiry/Inquiry by Senior Officers:

(a) disclosing, in particular, names and designation of police officials, if found responsible for the death; and

**CRM-M-31058-2015 (O&M)**

(b) whether use of force was justified and action taken was lawful.

(11) If on the conclusion of investigation the materials/evidence having come on record show that death had occurred by use of firearm amounting to offence under the IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.

(12) As regards compensation to be granted to the dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.

(13) The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.

(14) An intimation about the incident must also be sent to the police officer's family and should the family need services of a lawyer/counselling, same must be offered.

(15) No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence. It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officers is established beyond doubt.

(16) If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident. Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein."

(Emphasis supplied)

9. The respondents have filed multiple affidavits through various police officials on 16.11.2015, 05.12.2023, 26.07.2024 and finally by Varun

**CRM-M-31058-2015 (O&M)**

Singla, Superintendent of Police, Kurukshetra on 29.11.2024. The relevant extract of the affidavit dated 29.11.2024 filed by Varun Singla, Superintendent of Police, Kurukshetra on behalf of respondent No.1 to 4 is as under:-

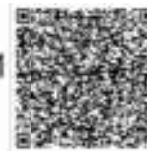
“3. That, the facts of the case are that an FIR No.457 dated 21.11.2014 under Section 302, 307, 323 IPC and 25-54-59 of Arms Act was registered at Police Station, Sadar Thanesar on the basis of statement of SI Kewal Singh, who was then posted as Incharge, CIA-II Kurukshetra. The said statement was given by SI Kewal Singh to Inspector Sanjeev Kumar, Station House Officer, Police Station Sadar Thanesar, wherein he got recorded that on 20.11.2014 at 11.30 P.M., they received a V.T. message from control room that a vehicle No.HR05F-6000 Eco Sports had been snatched by two young persons on the gun point from Hawali Hotel, Mohra, Ambala and that after snatching the car, the accused persons have absconded towards Delhi and that they be rounded up. Further, he stated that he, along with ASI Kuldeep Singh, ASI Rajesh Kumar no.813/KKR, HC Mohinder Singh no.961/KKR who were in Govt. vehicle no.HR65-2222 being driven by Constable Karambir No.498 arranged nakabandi on Ladwa Road near Police Sadar Thanesar. That, at about 11.45 P.M., another V.T. message from NH-3 was received that above said car was deserted by the accused near Zoo on G.T. Road Pipli when they saw the police party and fired on the police party while absconding towards East in the dark.

4. Thereafter, at about 1.00 A.M., one person was seen coming from Ladwa side who after noticing the presence of police party started moving back. ASI Kuldeep Singh chased him near the Khokha of Tea Stall and was successful in apprehending him, but that person fired at Kuldeep Singh ASI who sustained three firearm injuries. When complainant and other police officials also reached there, that person also fired at them, but those fires did not hit them. The complainant also fired at that person to save the police officials from his official pistol of 9 mm and that person

**CRM-M-31058-2015 (O&M)**

also suffered bullet injuries. The complainant informed about it to Station House Officer, Police Station Sadar Thanesar, Kurukshetra.

5. That, both the above referred injured persons, namely ASI Kuldeep Singh and Karanjeet Singh were shifted to Civil Hospital Kurukshetra. From the possession of that person (Karanjeet Singh), one country made pistol having one live cartridge in the chamber was recovered. Later on, both the injured, namely, ASI Kuldeep Singh and Karanjeet Singh (accused) succumbed to their firearm injuries in LNJP Hospital, Kurukshetra. The place of occurrence was inspected by the seen of crime team alongwith Inspector Sanjiv Kumar, Station House Officer, Police Station Sadar Thanesar. On 21.11.2014, an application was moved before the District Magistrate, Kurukshetra for appointing Duty Magistrate, on which, the SDM Thanesar Sh. Vinay Kumar was appointed as Duty Magistrate to carry out of proceedings under Section 176 Cr.P.C. on the dead bodies of ASI Kuldeep Singh and Karanjeet Singh. After conducting the proceedings under Section 176 Cr.P.C., the postmortem of the dead bodies was carried out by Board of Doctors. Further, a purse, driving license, one cheque and Rs.2840/- were recovered from the clothes of Karanjeet Singh. The proceedings of postmortem was also videographed. The dead bodies of both the deceased were handed over to their respective families. The spot where vehicle ECO Sports was parked, was inspected and that vehicle was taken into police possession. A rough site plan of the place of occurrence was prepared and was also got photographed. The pistol recovered from Karanjeet Singh accused (since died) along with one live cartridge as well as service pistol allotted to Kuldeep Singh ASI (since died) and pistol allotted to SI Kewal Singh along with live cartridges were taken into police possession and their sketch were also prepared. Empty projectiles smeared with blood, T-Shirt, iron sheet and wood, wooden log of the Khokha of tea vendor, broken pitcher pieces and blood smear earth was lifted and taken into police possession after converting into sealed parcels through recovery memo. The

**CRM-M-31058-2015 (O&M)**

parcels were sent to FSL, Madhuban for examination on 28.11.2014.

6. That, the further investigation of the case was carried out by SIT constituted by the Director General of Police, State Crime Branch, Haryana who conducted the investigation under the supervision of DSP, State Crime Branch, Headquarters, Panchkula. As the vehicle Eco Sports was snatched from Ambala, a case FIR no.292 dated 21.11.2014 under Sections 392, 120-B IPC was registered at Police Station Parao, District Ambala and accused Ajay Sharma was arrested in that case. During the investigation of case FIR No. 292 dated 21.11.2014 mentioned above, the accused Ajay Sharma had made disclosure statement, which is relevant for the investigation of the present case FIR. Copy of his disclosure statement was obtained by SIT from the investigating officer of that case bearing FIR 292 dated 21.11.2014 under Sections 392, Police Station Parao, District Ambala. In that case, the accused Ajay Sharma mentioned about the role of accused Karanjeet alias Karni and other accused persons namely Charanjeet, Amit Kumar, Satnam Singh etc. in the commission of crime of the present case FIR No. 457 of 2014 PS Sadar Thanesar, Kurukshetra. The copy of the disclosure statement of accused Ajay Sharma in FIR No. 292 dated 21.11.2014 under Sections 392, 120-B IPC, Police Station Parao, District Ambala is hereby annexed as Annexure R-1 for kind perusal of this Hon'ble Court. Similar disclosure was also made by him in case FIR no.383 dated 20.11.2014 under Sections 307, 34 IPC and Section 25 Arms Act, Police Station, Murthal, District Sonapat. The copy of the same is hereby annexed as Annexure R-2 for kind perusal of this Hon'ble Court.

7. That, thereafter, the accused Ajay Sharma was joined in investigation by SIT after taking his production warrant from the Learned Court. During interrogation, he disclosed that when they all reached at Shahabad after looting the Eco Spot car, the police party started following them. Upon which, Karanjeet and Amit fired from their pistols at the police party. There was jam at Pipli



CRM-M-31058-2015 (O&M)

on G.T. Road. Then they heard a sound of fire and Amit and Karanjeet came and sat in the Endeavour car. Thereafter, they turned their vehicle back and after 2-3 KM, they took the car on link road, and after traveling through link road, they reached near Pipli Anaj Mandi. Karanjeet and Amit alighted from the car and went to verify about the presence of police party. Then, they heard the sound of firing and turned their car towards Ladwa. After some time, Amit came running and told that they had the encounter with police and Karanjeet has suffered bullet injury. He had also fired at police and had reached there under the cover of darkness with great difficulty. They drove the car to Anaj Mandi Pipli and waited for some time. But, when Karanjeet did not return, they left for Mujaffarnagar (U.P.) and dropped Charanjeet at Karnal. Thereafter, Randhir had taken his Endeavour Car from him. He also told that Karanjeet was killed in police encounter at Pipli. The copy of the said disclosure statement is hereby annexed as Annexure R-3 for kind perusal of this Hon'ble Court. That, on the basis of evidence collected, the challan against Ajay Sharma under Sections 302, 307, 120-B IPC and 25-54-59 of Arms Act was submitted before Court of Area Magistrate, Kurukshetra. The arrest of remaining accused is still pending as they are absconding.

8. That, all the directions of the Hon'ble Supreme Court in case titled as Peoples Unions for Civil Liberties and others Versus State of Maharashtra and others report in 2014(4) RCR CrI. 423, have been duly complied with. It has been clearly manifested from the investigation of the local police as well as the SIT that the encounter of Karanjeet occurred while he was firing at Kuldeep Singh ASI and murdered him who was doing his police duty in a lawful manner alongwith the other staff. It was not the case of false encounter at all as alleged by the petitioner as the SIT investigation clearly depicts the role of Karanjeet Singh (now deceased) in the present FIR. Thus, the petition of the petitioner is devoid of any merits and thereby deserves to be dismissed.

9. That, the accused Karanjeet Singh (now deceased) was a

**CRM-M-31058-2015 (O&M)**

habitual offender, against whom the following FIRs were found to be registered:

- (i) FIR No. 302 dated 04.11.2007 u/s 323, 325 IPC, PS Nissing, Karnal*
- (ii) FIR No. 34 dated 18.01.2008 u/s 379 IPC, PS City Karnal.*
- (iii) FIR No. 16 dated 23.01.2008 u/s 25-54-59 of Arms Act, PS Nissing, Karnal.*
- (iv) FIR No. 32 dated 22.03.2009 u/s 382, 34 IPC and 25-54-59 of Arms Act, PS Bassi, Pathankot, Punjab.*
- (v) FIR No. 40 dated 06.02.2010 u/s 393, 307 IPC and 25-54-59 of Arms Act, PS Pehowa, Kurukshetra.*
- (vi) FIR No. 271 dated 24.10.2011 u/s 395 IPC, PS Pundri, Kaithal.*
- (vii) FIR No. 519 dated 22.11.2012 u/s 229 IPC, PS Nissing, Karnal.*
- (viii) FIR No. 384 dated 26.09.2014 u/s 148, 149, 323, 506 IPC, PS Nissing, Karnal*
- (ix) FIR No. 383 dated 20.11.2014 u/s 307, 34 IPC and 25-54-59 of Arms Act, PS Murthal, Sonipat.*
- (x) FIR No. 457 dated 21.11.2014 u/s 302, 307 IPC and 25-54-59 of Arms Act, PS Sadar Thanesar.*
- (xi) FIR No. 292 dated 21.11.2014 u/s 392 IPC and 25-54-59 of Arms Act, PS Parao, Ambala.*

10. That, Satnam Singh (Petitioner) son of Butta Singh resident of Dera Guniyana Road, Nissing, District Karnal is also a habitual offender as 14 different criminal cases are registered against him, which are as under:

- (i) FIR No. 360 dated 14.12.1995 u/s 397 IPC and 25-54-59 of Arms Act, PS Nissing, Karnal.*
- (ii) FIR No. 368 dated 20.12.1995 u/s 25-54-59 of Arms Act, PS Nissing, Karnal.*
- (iii) FIR No. 260 dated 06.10.1998 u/s 392 IPC, PS Pundri, Kaithal.*
- (iv) FIR No. 518 dated 31.10.2002 u/s 392 IPC and 25-54-59 of Arms Act, PS City Karnal.*

**CRM-M-31058-2015 (O&M)**

- (v) *FIR No. 155 dated 26.06.2003 u/s 392 IPC, PS Nissing, Karnal.*
- (vi) *FIR No. 116 dated 05.11.2003 u/s 379, 411 IPC and 25-54-59 of Arms Act, PS Harike, Tarantaran, Punjab.*
- (vii) *FIR No. 109 dated 06.05.2004 u/s 25-54-59 of Arms Act, PS Nissing, Karnal.*
- (viii) *FIR No. 32 dated 22.03.2009 u/s 32, 34 IPC and 25-54-59 of Arms Act, PS Bassi, Pathana, Punjab.*
- (ix) *FIR No. 40 dated 06.02.2010 u/s 393, 307 IPC and 25-54-59 of Arms Act, PS Pehowa, Kurukshetra.*
- (x) *FIR No. 184 dated 03.10.2010 u/s 382, 34 IPC and 25-54-59 of Arms Act, PS Patti, Punjab.*
- (xi) *FIR No. 336 dated 03.11.2010 u/s 394 IPC and 25-54-59 of Arms Act, PS Nissing, Karnal.*
- (xii) *FIR No. 53 dated 12.04.2011 u/s 307, 353, 166, 120-B IPC and 25-54-59 of Arms Act, PS Fatehgarh Sahib, Punjab.*
- (xiii) *FIR No. 271 dated 24.10.2011 u/s 379, 395 IPC, PS Pundri, Kaithal.*
- (xiv) *FIR No. 384 dated 26.09.2014 u/s 148, 149, 323, 506 IPC, PS Nissing, Karnal.*

11. That, during the investigation of the present case, SIT, State Crime Branch, Panchkula constituted by Director General of Police, State Crime Branch, Haryana did not find sufficient evidence against accused Randhir, Charanjit and Satnam Singh and stated that in future, if any clue comes on record against them, then appropriate legal action will be taken against the above named accused persons.

13. That, a Special Investigation Team constituted by the deponent vide order dated 20.10.2024 (Annexure P-6) for the arrest of remaining accused Amit Kumar son Asha Ram. Further, a reward of Rs.1 lakh has already been declared for the arrest of above named accused person (Annexure R-7).

14. That, the accused Karanjeet Singh died in the genuine police encounter as explained above and during the above said



CRM-M-31058-2015 (O&M)

encounter, one police official, namely, Kuldeep Singh ASI also lost his life. But inspite of that, the petitioners have filed the present petition before this Hon'ble Court on false grounds and same is liable to be dismissed.

15. That the present affidavit is being filed by the answering respondents/ deponent in compliance of order dated 20.08.2024 passed by this Hon'ble Court and same may kindly be accepted in the interest of justice."

10. A perusal of the judgment in **People's Union for Civil Liberties** (supra) would reveal that in a case of an alleged fake encounter the investigation is to be conducted by the Police team of another police station under the supervision of a Senior Officer. Further, a magisterial inquiry must invariably be held. In case the victims find that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation they are free to make a complaint to the Sessions Judge. In the instant case, further investigation into the FIR was conducted by an SIT constituted by the DGP, State Crime Branch, Haryana and headed by DSP, State Crime Branch, Headquarters, Panchkula. The SIT, while submitting its report dated 27.07.2016 discussed in detail how the occurrence took place, from which it can be clearly discerned that the deceased Karanjeet Singh was shot dead by the police party in self defence when he shot at and killed ASI Kuldeep Singh. Further, a magisterial inquiry under Section 176 Cr.P.C. also took place exonerating the police personnel. If the petitioners were so aggrieved, they could have approached the Sessions Judge having territorial jurisdiction over the place of the incident but did not do so. Therefore, there has been due compliance of the judgment rendered in **People's Union for Civil Liberties** (supra).

**CRM-M-31058-2015 (O&M)**

11. The relevant extract of the postmortem report of the deceased police official ASI Kuldeep Singh makes the factual position regarding the nature of the encounter quite clear. The injuries are reproduced below:-

“A dead body of a well built and nourished male wearing bluish greenish and whitish track upper and lower, cremish thermal inner, white vest & grayish & reddish underwear, 2 red threads in right wrist joint, white thread near right elbow joint & 1 metallic ring in right little finger. Clothes are smeared with dirt & blood at places. Clothes sealed in one parcel & handed over to police. Eyes and mouth closed.. Rigor mortis fully developed .P.M staining present on dependent parts At this stage body shifted to radiology department for x-ray. While removing the clothes 2 bullets recovered & same were sealed in a glass vial & handed over to police.

Injury no.1 is an entry wound i.e a lacerated wound of size 7mmX 5mm with blackening around the wound situated in the left infra mammary area 7cm from left nipple in mid clavicular line On Dissection: There is track which is going inwards medially & upwards piercing the skin, facias intercostal musculature, left lung, pericardium & left ventricle of heart at its lower 1/3rd, right atrium right lung which is through & through & communicating with another wound which is going upto injury no.2 which is exit wound i.e a lacerated wound of size 7mmx7mm over right infrascapular region. Margins are everted. Blood is present along whole of the track, both pleural cavities & in the pericardial cavity. Injury no 3 is a entry wound i.e is laceration of size 7x7mm with blackening around the wound present on right hand dorsum on radial aspect. On dissection: There is track which is going inwards, medially & proximally & communicating with injury no 4 lacerating the musculature of the lower 3rd of right forearm & fracturing lower end of right radius. Injury No 4 is a exit wound i.e a laceration of size 1x1cm with irregular margins situated in the medial aspect of middle 1/3rd of right forearm. Skin patch each from injury no 1, 2 & 3 .are removed sealed & handed over

**CRM-M-31058-2015 (O&M)**

to police. Injury no 5 is an entry wound i.e a laceration of size 8mm x 7mm with blackening around present on right heel medial aspect 5cm from right medial malleolous. On dissection the track is going posterio inferiorly & laterally in the tissues of right heel & communicating with injury no 6 which is an exit wound of size 1x1cm over the planter aspect of heel. There is present inflammation & infiltration of blood around all of the above mentioned injuries.”

12. A perusal of the injuries on the person of the deceased police official as reproduced above would show without any doubt whatsoever that he has received three gunshot injuries which show blackening around the wounds. Similarly, deceased-Karanjeet Singh has also received injuries showing blackening around the wounds. This factor establishes that when the occurrence took place in which these two persons died, the police party comprising of ASI Kuldeep Singh (deceased) and Karanjeet Singh (deceased) were in close proximity of each other. Firstly, Karanjeet Singh shot at ASI Kuldeep Singh from close range after which the police party shot at Karanjeet Singh also from close range. It does not appear to be a case where Karanjeet Singh was apprehended and shot at point blank range later and there is absolutely nothing to suggest the same. In fact, the entire case of the petitioners is that because there is blackening around the wounds on the person of Karanjeet Singh, it was apparent that it is a case of a fake encounter killing.

13. In view of the aforementioned discussion, I find that there is absolutely no requirement for the case to be referred to the CBI as there does not seem to have been an improper investigation by the local police as is being suggested. Further, after 10 years of the incident the question of

**CRM-M-31058-2015 (O&M)**

referring the matter for an investigation to be conducted by the CBI would be an exercise in futility.

14. In view of the above, I find no merit in the present petition.

Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

19.08.2025

JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>