



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

(210)

CWP-18172-2020

Date of decision:- 23.09.2025

ARJUN SINGH

... Petitioner

Versus

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Baljeet Beniwal, Advocate
for the petitioner.

Mr. Deepak Vashisht, DAG, Haryana
for respondents No.1 and 3.

None for respondent No.2.

1. This petition has been filed inter alia for issuance of a writ in the nature of mandamus directing the Central Bureau of Investigation-Respondent No.2 to conduct a fair and impartial investigation into the custodial death of Ankit, petitioner's grandson. Petitioner has also sought a direction to the State of Haryana-Respondent No.1, to compensate the petitioner on account of the custodial death of his grandson.

2. Petitioner has alleged that on 05.09.2020, Ankit was forcibly picked up by police personnel and taken to an undisclosed location in a car. Despite making repeated inquiries, petitioner could not find out his whereabouts. He claims to have been threatened by police officials who demanded bribe. He claims that his thumb impressions were forcibly taken on some plain papers



and he was informed that his grandson has been hospitalized. Petitioner, along with his son Madan Lal, found out that Ankit was admitted in Civil Hospital, Kaithal, where they were permitted to meet the young man whose health was deteriorating. Despite request, police official on duty did not get the MRI Scan conducted as advised by the doctors. It has been alleged that Ankit was tortured in police custody and expired on 28.09.2020. Petitioner recorded his statement before the Area Magistrate on 29.09.2020 levelling allegations against the respondents who did not provide the postmortem report of the deceased. A representation (Annexure P-1) dated 26.09.2020 was given to the Deputy Commissioner, Kaithal to protect Ankit, but nothing was done. Petitioner has prayed that a criminal case be registered against the erring police officials besides taking suitable action against them and petitioner be adequately compensated.

3. Upon notice, affidavits have been filed over the period of time on behalf of respondent No.1, wherein it has been stated that Ankit had criminal antecedents and has been named as accused in three FIRs. It has been stated that on 19.01.2019, Naveen son of Tarsem recorded his statement to the effect that while he was travelling in the car along with his friends, they were attacked by some boys, who pelted stones and brickbats on the car. The boys who were armed with sticks and weapons, blocked their way with a motorcycle. Ankit @ Bander was one of them and he was armed with a gandasi. One of the assailants was carrying a gun, who fired at them and Satbir @ Sonu sustained a gun shot injury. FIR No.16 dated 19.01.2019 was registered at Police Station Kalayat under Sections 148, 149, 307 IPC and Section 25 Arms Act. Some culprits were arrested, weapons as well as vehicles



used in the crime were recovered. On 09.09.2020, Ankit @ Bander who was arrested in another criminal case was joined in the investigation of this case and on finding sufficient incriminating material against him, he was arrested. A police remand was granted by the Duty Magistrate for two days and recovery of the weapon used in the offence was effected. After conducting his medico-legal examination on 11.09.2020, he was sent to judicial custody. Ankit was found to be suffering from hepatitis and on 12.09.2020, he was admitted in Civil Hospital, Kaithal, from where he was referred to PGIMS, Rohtak by the doctor on duty. On 15.09.2020, Ankit was referred back from PGIMS, Rohtak to the Civil Hospital, but due to his critical condition, on 21.09.2020, he was again referred to PGIMS, Rohtak, where he unfortunately expired due to hepatitis on 28.09.2020. His postmortem was conducted on the next day, which was videographed. Inquest proceedings were conducted by the Judicial Magistrate on 28.09.2020. Allegations levelled against the police officials as well as custodial torture have been specifically denied and a categorical stand has been taken that there has been no violation of the human rights. It has been submitted that Ankit @ Bander was apprehended after following of the due process of law.

4. I have heard counsel for the parties and considered their respective submissions besides examining the documents appended with the petition as well as affidavits filed by the respondents.

5. Along with the affidavits, the petitioners have placed on record copy of the entire medical record of the treatment undergone by Ankit at Pt. B.D. Sharma Post Graduate Institute of Medical Sciences, Rohtak. A perusal of the record shows that Ankit was admitted in the hospital on 22.09.2020 at 05:45



P.M. and was diagnosed to be suffering from seizure disorder as well as hepatitis. The death summary record by the doctor reads as under:-

“Ankit 19/M, CR No.51041 admitted under 3/I on 22.9.20. Pt shifted to 3/V on 26.9.20 (As per prisoner duty of 3/V). Pt was diagnosed as HCV + with Seizure d/o with Aspiration pneumonia. On 27.9.20 Pt was not maintaining saturation on oxygen. Pt was incubated taken on VCV mode. Poor prognosis explainted to police on duty..... Kumar Belt No.970 KTL.

On 28.9.20, 8:30 P.M. Pt declared dead despite our best effort.”

6. A minute examination of the record shows that on 23.09.2020, poor prognosis of the patient was explained to his uncle, Madan Lal who acknowledged the failing health condition of Ankit and under his signatures mentioned that despite being aware of the precarious condition of Ankit, he wants to get him treated at PGIMS even though there is a possibility that he may not recover. The notes recorded by the doctors during the hospitalization show that he was being administered medicines. There is a note that the COVID Test was conducted on 25.09.2020 and transfer note of 25.09.2020 shows that he was readmitted in Pt. B.D. Sharma PGIMS, Rohtak, in a deteriorated condition. Medical notes exhibit that Ankit was not maintaining saturation of oxygen and he was incubated. His poor prognosis was also explained to the police personnel on duty. He lost his life on 28.09.2020. Postmortem was conducted and the postmortem report is reproduced hereunder:-

“After perusal of PMR No.1024/2020 dated 29.09.2020 chemical analysis report of viscera and blood No.2020/T-7945 dated 26.10.2020, histopathological report of viscera No.Path/V/21/238 dated 23.01.2021, BHT



from district Civil Hospital, Kaithal and Pt. B.D. Sharma PGIMS, Rohtak. The board is of the opinion that the cause of death in this case is chronic pathology of multiple organs (Lungs, Liver, Spleen and both kidneys, Tuberculosis) which is aggravated by hepatitis (acute pathology).

Note:- One member i.e. Dr. Arun, Demonstration is on leave today but due to the urgency and circumstances the opinion has been given to the I.O.

*Dr. Gopal Sharma
Resident
Deptt. of Forensic Medicine
Pt. B.D. Sharma, PGIMS, Rohtak*

*Dr. Kuldeep Kumar
Assistant Professor
Deptt. of Forensic Medicine
Pt. B.D. Sharma, PGIMS, Rohtak”*

7. An analysis of the material brought on record shows that the Ankit’s death had taken place while undergoing treatment due to hepatitis and seizure disorder at Pt. B.D. Sharma PGIMS, Rohtak. Cause of death has been described due to chronic pathology of multiple organ which was aggravated by hepatitis. There is no material on record to show that the petitioner was subjected to custodial torture. Despite a categoric stand taken by the respondents, petitioner has not been able to produce any material to counter the medical record and the affidavits filed by the respondents. The direction as sought for by the petitioner, cannot be granted. The allegations levelled by the petitioner against the respondents are unfounded.

8. Finding no merit in the petition, it is dismissed with no order as to costs.

(SUVIR SEHGAL)
JUDGE

23.09.2025
parul verma

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No