



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

**CRM-M-38994-2023
Date of decision :27.08.2025**

KAMLESH AND ANOTHER

... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Mohinder Kumar, Advocate
for the petitioners.

Mr. M.S. Toor, A.A.G., Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The prayer in the present petition under Section 482 Cr.P.C. is for calling for the report of the JMIC, Ludhiana who has conducted an inquiry U/s 176 Cr.P.C. concerning the custodial death of the petitioner's son namely Shubam Sidhu aged 25 years who was arrested in FIR No.152 dated 27.05.2023 (Annexure P-1) U/s 21, 27(a), 29 of NDPS Act at Police Station STF, District STF Wing, Phase-4, Mohali, District SAS Nagar, Punjab.

The learned counsel for the petitioners contends that the son of the petitioners namely Shubam Sidhu was in custody along with the other son of the petitioners and the brother of Shubam Sidhu namely, Tarun Sidhu, though he was incarcerated in some other case An inquiry did take place but the statement of Tarun Sidhu has not been recorded regarding the manner in which Shubam Sidhu died an unnatural death. He contends that as per the postmortem report the deceased was brought

dead at the Emergency of Civil Hospital, Ludhiana. However, the Magistrate in his inquiry report has found that Shubam Sidhu (deceased) was admitted in the hospital on 05.06.2023 and expired at 04.55 PM during treatment at Civil Hospital, Ludhiana and not that he had been brought dead. He, therefore contends that as there is a discrepancy between the postmortem report and the finding arrived at by the Magistrate. The Sessions Judge, Ludhiana be directed to conduct an inquiry keeping in view the attending facts and circumstances and the arguments raised.

On the other hand, the learned State counsel contends that there is no requirement for a further inquiry once the Magistrate has already conducted in terms of Section 176 Cr.P.C.

I have heard the learned counsel for the parties.

Admittedly, the Magistrate has held proceedings under Section 176 Cr.P.C. However, there appears to be some discrepancy in the conclusion arrived at by the Magistrate and the postmortem report. In order to ensure fairness to all sides, the Sessions Judge, Ludhiana is directed to conduct an inquiry into the death of the petitioner's son namely, Shubam Sidhu within a period of 03 months and file an appropriate report in that regard.

Disposed of.

(JASJIT SINGH BEDI)
JUDGE

27.08.2025
JITESH

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