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

CRM-M-44019-2013 (O&M)

Date of Decision: 16.04.2026

Court on its own motion

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJPresent: Mr. Karan Bhardwaj, Advocate (*Amicus Curiae*).

Dr. Savi Nagpal, AAG, Punjab.

Vinod S. Bhardwaj, J. (ORAL)

1. Present petition has been taken up *suo moto* on account of death of an under-trial Chander Bhan @ Kali son of Dildar Chand and convict Gaganjit Singh son of Kartar Singh.

2. Mr. Karan Bhardwaj, learned *Amicus Curiae* contends that a report has been received from Chief Judicial Magistrate, Ferozepur whereby an inquiry into the death of under-trial Chander Bhan @ Kali and convict Gaganjit Singh was conducted and the same reads thus:-

Subject: Intimation regarding death of under trial Chander Bhan alias Kali son of Didar Chand and convict Gaganjit Singh son of Kartar Singh.

Dear Sir,

1. *Kindly refer to your goodself office letter No.3345/EB dated 29.03.2012 sent to my learned Predecessor for conducting the inquiry into the death of under trial Chander Bhan alias Kali son of Didar Chand and convict Gaganjit Singh son of Kartar Singh and subsequent reminders on the subject cited above.*

2. *I have conducted the inquiry regarding death of under trial Chander Bhan alias Kali and convict Gaganjit Singh. In T.P.M/CRASH No.4995 dated 18.12.11 it is mentioned that the under trial Chander Bhan alias Kali son of Didar Chand, aged about 49 years, r/o Gali No.17, New Abadi, Abohar, PS City-II Abohar, District Fazilka was facing trial in case*



FIR No.93 dated 8.12.2011, U/s 21/61/85 ND PS Act, Police Station City-II Abohar. The above said under trial was admitted in Jail Hospital, Ferozepur on 14.12.2011 and was referred to Civil Hospital, Ferozepur on 15.12.2011 and was got admitted there. Thereafter he returned from Civil Hospital, Ferozepur to Cental Jail, Ferozepur on 16.12.2011 and was admitted in Jail Hospial, Ferozepur. Thereafter in the intervening night of 17/18.12.2011, the above said under trial fell down in the water storage pit (Haudi) from the side of his mouth, due to slip of his feet near the water storage pit (meant for taking bath) inside the Jail Hospital while going to urinate. On coming to know about the same, co-inmates of the above said under trial got up and put him on the bed in the jail hospital and immediately reported the matter to the medical officer on duty, who immediately referred the patient to Civil Hospital Ferozepur at 12.50 A.M on 17/18.12.2011 for medical treatment, where the medical officer of Civil Hospital, Ferozepur checked the patient and declared him brought dead.

3. As per report of Medical Officer, Central Jail, Ferozepur under trial Chander Bhan was admitted in jail hospital due to fever and withdrawl syndrome on 14.12.11. He was referred to Civil Hospital Ferozepur for expert opinion and management on 16.12.2011. He was admitted here and discharged on 17.12.2011. He was diagnosed as a case of Hypertension & Generalised tizuares. He was admitted in the jail hospital and was given prescribed treatment. It is further mentioned in the report that in the night of 17/18.12.2011 he fell in the water storage pi due to slip of his feet. The patient was unconscious and his Blood pressure and pulse were un- recordable. He was referred to Civil Hospital, Ferozepur at 00.50 A.M on 18.12.2011 where he was declared dead after examination.

4. As per the opinion of doctor, the possible cause can be that the person may had seizure while taking water from the pit when he went to bathroom. The person could have been saved had there been some attendant or any other person nearby. The pit is a very small. The question of drowning the inmate in it does not arise at all. The patient had history of seizure. Had there been any attendant deployed, the death could be averted. It appears a case of negligence for not providing the attendant to the indoor patient-inmate which has resulted in his death.

REGARDING DEATH OF INMATE GAGANJIT SINGH.

5. In TPM/CRASH No.4 dated 2.1.2012 it is mentioned that convict Gaganjit Singh son of Kartar Singh, R/o Street No.02-B. Akta Colony, Abohar, P.S.City Abohar, District Fazilka was undergoing sentence RI for life and fine of Rs.4000/- or in default ofpayment of fine, to further undergo RI for one year two months in case FIR No.43 dated 06.02.2006, U/s 302/324/148/149 IPC, PS City Abohar. He suddenly fell ill on 26.12.2011 and sent to Civil Hospital Ferozepur for treatment, from where he was referred to G.G.S.Medical College/Hospital, Faridkot on 28.12.2011 and he was further referred from there to P.G.I. Chandigarh on 29.12.2011 and he expired there on 31.12.2011.

6. Similarly it is reported by the Medical Officer, Incharge Jail Hospital, Ferozepur that convict Gaganjit Singh son of Kartar Singh suddenly fell ill on 26.12.2011 and he was referred to Civil Hospital Ferozepur in emergency, from where he was referred to Medical College/Hospital, Faridkot on 28.12.2011. He was further referred from there to P.G.I. Chandigarh on 29.12.2011 and he expired there on



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31.12.2011. According to the doctors treating the patient at P.G.I. Chandigarh, the cause of death was given as "refractory septic shock" resulting from systemic hypertension with right nephrolithiasis with Bilateral hydronephrosis with severe sepsis.

7. The cause of death is also supported by the statement of Dr.A.B.Singh, Medical Officer, who stated that from the report given by Doctors at PGI as Ex.A2, this is a natural cause of death due to sickness. The apparent cause of death of inmate Gaganjit Singh appears to be natural cause of death.

Submitted please.

Yours faithfully,

(Hira Singh Gill)PCS,
Chief Judicial Magistrate,
Ferozepur."

It is evident from the perusal of the aforesaid report that so far as Chander Bhan is concerned, he was a drug addict and was facing trial for offences under the NDPS Act. He was admitted in Jail Hospital on 14.12.2011 and was referred to Civil Hospital, Ferozepur on 15.12.2011 and was got admitted there. He was later on moved to Central Jail, Ferozepur on 16.12.2011 and was readmitted in Jail Hospital. On the intervening night of 17/18.12.2011, when he went to urinate, he fell down in the water storage pit from the side of his mouth, due to his feet slipping. The matter was duly reported and deceased was brought to Civil Hospital, Ferozepur at 12.50 a.m where he was declared as brought dead.

3. So far as the convict Gaganjit Singh is concerned, he died a natural death. The alleged negligence reported by the Chief Judicial Magistrate is that no attendant was provided to the indoor patient (inmate) i.e. Chander Bhan @ Kali and that he could have been saved, had there been



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any attendant or any other person nearby. It was also reported that the pit in question was small.

4. The sole attribution against the respondents is that of negligence in not providing an attendant to an inmate indoor patient. There is, however, no reference to any procedure or instructions issued by the Government for providing an attendant to an inmate indoor patient. Merely because an incident had occurred in jail premises would not fasten any liability on respondent-State unless it is established that there was dereliction/non-compliance of any instructions/directions issued by the competent authority.

5. There are thus, no compelling circumstances so as to warrant this Court to proceed with the matter any further. The present petition is accordingly dismissed, at this stage.

6. However, liberty is granted to the party aggrieved, if so advised, to pursue their alternate remedy to claim compensation before a competent Court.

7. It is clarified that the period spent before this Court on account of pendency of the present petition shall be taken into consideration while entertaining any such request/petition.

(VINOD S. BHARDWAJ)
JUDGE

16.04.2026

SN

Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No