

SC No. 222/2022
State Vs. Gaurav Nagar & Anr.
FIR No.305 /2022
PS Bhajan Pura

15.01.2024

Present: Sh. Vikash Kumar, Ld. Addl. PP for the State.
Accused Shaukeen and Rani are produced from J/C.
Remaining accused are present on court bail.
Sh. Pramod Nagar, Ld. Counsel for accused persons.
IO/Inspector Rajni Kant is also present.

1. Matter is at the stage of arguments on charge. Accused Shaukeen and Rani have already been granted bail but they have not furnished their bail bonds so far. On inquiry, it is submitted that they are accused of another murder case FIR No.183/22, PS Gandhi Nagar, Delhi and have not yet been granted bail in that case.

2. It was observed on 28.11.2023 that Dr. Swarnoor Singh, who conducted autopsy on the dead body of the deceased in the present matter, had not appeared to explain lapses and discrepancies in the postmortem report despite being bound down for this purpose. He even did not respond to telephonic calls made by naib court & IO/Inspector Rajni Kant in this regard. Accordingly, it was presumed that he had nothing to say to justify postmortem report which he had prepared in the present matter.

3. Now the entire record has been seen once again. There are 14 photographs available on record which were clicked immediately after the dead body was seen by the staff of complainant Ajay Singh on 16.11.2021. The dead body was found by the side of highway in bushes. The photographs themselves reflected that the dead body was in decomposed condition and it was several days old. Since the body was found by the side of highway passing from the jurisdiction of PS Chhansa, Faridabad, Haryana, it was assumed that

the deceased might have met with an accident with some unknown vehicle while crossing the road. Accordingly, on the same day, FIR No.307/21 under section 279/304A IPC was registered at PS Chhansa, District Faridabad, Haryana. The IO specifically mentioned in the FIR that the dead body was several days old.

4. Later on, it transpired that the dead body was of one Arvind, husband of accused Rani in the present case. The investigation revealed that the deceased was murdered by accused Shaukeen, with whom accused Rani was in romantic relationship, with the help of his two associates. The present murder FIR was registered at PS Bhajanpura, Delhi from the jurisdiction whereof the deceased had gone missing and a missing person report was lodged by none other than Rani in conspiracy with accused Shaukeen.

5. It further surfaced in the investigation that accused Shaukeen along with co-accused Gaurav Nagar and Bucha @ Ravi had taken the deceased Arvind with him in the morning of 13 October 2021 and murdered him after crossing Dadri Highway. Thereafter, travelling a further distance of 30-40 kilometers on the highway, the dead body was thrown by the side of highway in Haryana from where it was recovered by the labourers/staff of contractor Ajay Singh(complainant) and consequently, the accident FIR was registered as mentioned above.

6. The DNA examination confirmed the identity of the deceased as Arvind. Now, coming to the postmortem report. After the dead body was recovered in Haryana, Doctor Swarnoor Singh, Medical Officer In-charge (having Registration No. DMC/R/19191 & mobile No. 9592191906) HCMS, Class1, posted at B. K.Hospital Faridabad Near BK Chowk Faridabad, Haryana, conducted

postmortem of the dead body.

7. The said postmortem report has been placed on record of the present case file. As per the same, the postmortem was conducted on 19.11.2021 and the cause of death is shock & haemorrhage due to head, lung injury and multiple injuries 'as described in the postmortem report' sufficient to cause death in ordinary course of nature.

8. Despite the case background as noted above and even mentioned by concerned Haryana IO of FIR No.307/2021 dated 16.11.2021 PS Chhansa, U/s. 279/304A IPC, in his application to the medical officer that dead body was several days old, interestingly the doctor had mentioned the probable time between the death and postmortem examination to be within 24 hours.

Next, the cause of death makes mentions of 'multiple injuries as described in the post report' but shockingly even the postmortem report is silent on the nature of injuries and every column regarding the injuries contains the remarks 'as described' leaving the reader of the report groping in dark as to where the injuries are so described, if it all. In fact, the injuries are nowhere described in the entire postmortem report.

9. Not only this, later on, getting to know from Delhi IO vide his letter dated 04.04.2023 about it being a case of murder, the doctor acted wise and gave to the IO in writing on 05.09.2023 (after five months from receiving the letter) that his previous opinion was purely based on 'initial police investigation as roadside accident'. Without citing any reasons, doctor further stated that 'possibility of murder cannot be ruled out given the condition of body recovered.' He also unsuccessfully tried to modify his version regarding time interval

between death and postmortem by stating that the time 'within 24 hours' is a clerical error and it 'was supposed to be more than 24 hours.' In this manner, he has tried to twist/modify his earlier version in order to save his skin.

10. From the report as submitted by Dr. Swarnoor Singh, it is crystal clear that he had neither cared to see the dead body nor its photographs nor had he cared to even have a look at the application made by the IO; what to talk of conducting the postmortem of the body. I have no doubt that had the doctor even seen one of three things mentioned here, he could not have given the report that he had given in the present case. The doctor was even directed to produce the video recording of the postmortem report but he failed to produce any such video recording.

11. Furnishing postmortem report is a very important aspect of criminal justice administration and helps to know the exact cause of death in a given case and has far reaching consequences. Given the callous, careless & negligent attitude with which the report has been furnished is enough to show that the concerned doctor was guilty of deliberate dereliction of duties and of gross misconduct for which he must be taken to task in order to repose the faith of all stakeholders in the medical system of the country as well as the medical profession.

12. In view of what has been observed by me above, I am of the firm view that the postmortem report furnished in the present matter by Dr. Swarnoor Singh is not even worth the paper it is written on. Therefore, the same deserves to be discarded.

Before parting with the order, it would be appropriate to send the copy of the order to the disciplinary authority of the concerned doctor to take appropriate action as deemed fit. For this

purpose, let a copy of this order be sent through IO/Insp.Rajni Kant to Medical Superintendent, B. K. Hospital Faridabad Near BK Chowk Faridabad, Haryana, where Dr. Swarnoor Singh was working at the relevant time to let the court have details of his disciplinary and appointing authorities.

13. Put up on 07.02.2024.

(Dr.Savitri)
ASJ-02(NE)/ KKD/Delhi
15.01.2024

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