

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1115 OF 2000

STATE OF HARYANA

... APPELLANT

VERSUS

RAJWANT KAUR & ORS.

... RESPONDENTS

WITH

CRIMINAL APPEAL NO.1116 OF 2000

O R D E R

Both these Appeals arise against the order passed by the High Court of

Punjab and Haryana at Chandigarh in a Writ Petition (Criminal) No.1263/1996 dated

31.3.2002. Hence, the Appeals are disposed of together.

Criminal Appeal No.1115 of 2000 has been filed by the State of Haryana

against the order passed by the High Court for custodial death of Jassa Singh and

awarding a compensation of Rs.1,50,000/-. Criminal Appeal No.1116 of 2000 has been

filed by Rajwant Kaur & others against the same order for suitable enhancement of

the compensation.

Briefly, the facts of the case are that the deceased Jassa Singh was arrested

by the Police on 28th July, 1996 under Section 61/1/14 of the Excise Act. He was

arrested from the Village Mohal Khera, which falls within the jurisdiction of Police

Station Sadar Narwana, while he was arrested from Village Datta Singh Wala which

comes within the jurisdiction of Police Station Garhi. It is alleged that on 28.7.1996

Jassa Singh left the house for purchase of Buffalo but did not return back. He was

found dead in the police custody. His dead body was sent for post mortem

examination. According to the opinion of Doctor no external injury was found on the

2

body of deceased. As per the report of the Forensic Science Laboratory, the cause of

death of Jassa Singh was due to consumption of aluminium phosphide (celphos) and

ethyle alcohol traces were detected. Therefore, his wife filed Writ Petition in the High

Court for compensation. The High Court found that it is an admitted fact that Jassa

Singh died in the police custody. We have been informed that a CBI inquiry was

conducted in the matter and CBI has exonerated the police officials as regards the

criminal liability. We are not expressing any opinion on the report of the CBI as we

are told that some criminal matter is pending before the District Court.

So far as the death of Jassa Singh is concerned, it is an admitted fact that

Jassa Singh was arrested and died in the custody of the police on account of

consumption of aluminium phosphide (celphos) and ethyle alcohol. Either deceased

Jassa Singh was carrying aluminium phosphide (celphos) with him or it was lying in the

barrack where he was kept in the police station. Consumption of aluminium

phosphide (celphos) with ethyle alcohol must have proved fatal. In either case there is a laxity on the part of the Police Department as before arrest Jassa Singh was not

properly searched. Therefore, either the deceased was carrying aluminium phosphide

(celphos) with him or same was lying somewhere in the barrack where he was kept in

the police station. In either case, the police cannot escape the responsibility.

Therefore, the amount of compensation awarded by the High Court to the extent of Rs.1,50,000/- is wholly justified.

However, an appeal has been filed by the wife for suitable enhancement of the compensation.

The amount of Rs.1,50,000/- has already been deposited in the High Court.

As per the order sheet dated 11.12.2000, a statement was made on behalf of the

appellant that the appellant has already deposited Rs.1,50,000/- before the High Court.

This Court has directed the Registry of the High Court to invest the said amount in a

3

nationalised bank and see that quarterly interest is paid to Rajwant Kaur, Respondent

No.1. The amount of Rs.1,50,000/- in the present case appears to us a small sum

and in the present context the value of Rs.1,50,000/- has considerably gone down.

Thus, the compensation amount of Rs.1,50,000/- will be too small amount. Therefore,

we increase the compensation amount from Rs.1,50,000/- to Rs.2,00,000/-. Since the

State of Haryana has already deposited Rs.1,50,000/- in the High Court, the State shall

pay Rs.50,000/- within two months in addition to Rs.1,50,000/- which has already been

deposited in the High Court to Rajwant Kaur. The amount of Rs.1,50,000/- lying in the High Court shall be released to Rajwant Kaur, Respondent No.1 forthwith along with the interest if accrued thereon upon receipt of a copy of this order.

The Criminal Appeal No.1115/2000 filed by the State is dismissed. The

Appeal No.1116/2000 filed by Rajwant Kaur and others is partly allowed.

We, however, make it clear that decision of this Court will not prejudice

trial Court where the criminal matter is pending and will not adversely affect the

police officials.

.....J.

(A.K. Mathur)

.....J.

(D.K. Jain)

New Delhi;

November 07, 2006.

4

ITEM NO.107

COURT NO.10

SECTION IIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 1115 OF 2000

STATE OF HARYANA

Appellant (s)

VERSUS

RAJWANT KAUR & ORS.

Respondent(s)

(With appln(s) for stay and with office report)

WITH APPEAL(CRL) NO. 1116 of 2000

(With office report)

Date: 07/11/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s)

Mr. Rajeev Gaur 'NASEEM', Adv. for

Mr. T.V. George, Adv.

Mr. B.K.Satija, Adv. (N.P.)

For Respondent(s)

Mr. B.K.Satija, Adv. (N.P.)

Mr. Rajeev Gaur 'NASEEM' Adv. for

Mr. T.V. George, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Criminal Appeal No.1115/2000 filed by the State
is dismissed. The

Appeal No.1116/2000 filed by Rajwant Kaur and others is partly allowed in terms of

the signed order.

hatia)

(K.K. Chawla)

(Radha R.B

Master

5

[Signed order is placed on the file]