

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

R.P.(Crl.) No. 226-227/2019 in Crl.A. No. 1433-1434/2014

KHUSHWINDER SINGH

Petitioner(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

([TO GO BEFORE THREE HON'BLE JUDGES] [DEATH CASE])

AND

CRL.A. NOS.1623-1624 OF 2019 (II-B)

Date : 05-09-2024 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Aathma Sudhir Kumar, Adv.
Ms. Sakshi Jain, Adv.
Mr. Meeran Maqbool, Adv.
For Mr. Mahfooz Ahsan Nazki, AOR

Ms. Sakshi Jain, Adv.
Mr. Aathma Sudhir Kumar, Adv.
For Mr. Mahfooz Ahsan Nazki, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

1. Issue notice.
2. These proceedings arise from the judgment and order dated 05.03.2019 of this Court in Criminal Appeal Nos.1433-1434 of 2014. This Court, vide impugned judgment and order, upheld the conviction and confirmed the death sentence awarded to the accused-petitioner by the High Court and the Trial Court.
3. The execution of the death sentence shall remain stayed pending the hearing and final disposal of the present petitions.
4. The original record of the case shall be summoned from the

Trial Court and the High Court. A copy of the translated records shall be supplied to the counsel for the parties.

5. In view of the orders passed by this Court in matters involving capital punishment, we issue following directions:

i. The respondent-State shall place before this Court the report(s) of all the Probation Officers relating to the appellant within a period of eight (8) weeks.

ii. The Superintendent of Prison, Central Jail, Patiala, Punjab, shall submit a report with regard to the nature of work which has been performed by the petitioner while in jail and a report with regard to the conduct and behaviour of the petitioner while in jail, within a period of eight (8) weeks.

iii. The Head of Post Graduate Institute of Medical Education and Research, Chandigarh shall constitute a suitable team for the purpose of carrying out a psychological evaluation of the petitioner. The report of the evaluation shall be submitted to this Court through the Standing Counsel for the State of Punjab within a period of eight (8) weeks.

iv. Ms. Komal is permitted to have access to the petitioner who is presently lodged in Central Jail, Patiala, Punjab to conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing and to submit a Mitigation Investigation Report on behalf of the petitioner through the petitioner's Advocate-on-Record within twenty weeks.

v. The Central Jail, Patiala, Punjab shall ensure that, for the sake of confidentiality, these interviews are conducted in a separate interviewing space without any prison official or police staff being within earshot distance, and audio recorders be permitted to be used to record the interviews.

vi. A person nominated by Ms. Komal be permitted to accompany her to translate during the interview.

vii. Ms. Komal is granted permission to obtain documents pertaining to the petitioner, including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the petitioner may wish to submit for the purpose of sentencing information.

6. The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Punjab, who shall, in turn, ensure that the order is communicated to the relevant authorities for compliance. The Registry shall, in addition, send a due intimation to all the concerned authorities immediately for compliance.

7. All the reports shall be duly compiled and placed before this Court on the next date of hearing.

8. Learned counsel for the parties are directed to assist the Registry in pagination of the record.

9. I.A. No. 189570 of 2024 is, accordingly, disposed of.

10. List the matter after twenty weeks.

CRL.A. NOS.1623-1624 OF 2019

1. Taken on Board.

2. These proceedings arise from the judgment and order dated 24.04.2019 of the High Court of Punjab and Haryana at Chandigarh passed in Murder Reference No.3 of 2018 and CRA-D-880-DB-2018. The High Court, vide impugned judgment and order, upheld the conviction and confirmed the death sentence awarded to the accused-appellant by the Trial Court.

3. The execution of the death sentence shall remain stayed pending the hearing and final disposal of the present appeals.

4. The original record of the case shall be summoned from the

Trial Court and the High Court. A copy of the translated records shall be supplied to the counsel for the parties.

5. In view of the orders passed by this Court in matters involving capital punishment, we issue following directions:

i. The respondent-State shall place before this Court the report(s) of all the Probation Officers relating to the appellant within a period of eight (8) weeks.

ii. The Superintendent of Prison, Central Jail, Patiala, Punjab, shall submit a report with regard to the nature of work which has been performed by the appellant while in jail and a report with regard to the conduct and behaviour of the appellant while in jail, within a period of eight (8) weeks.

iii. The Head of Post Graduate Institute of Medical Education and Research, Chandigarh shall constitute a suitable team for the purpose of carrying out a psychological evaluation of the appellant. The report of the evaluation shall be submitted to this Court through the Standing Counsel for the State of Punjab within a period of eight (8) weeks.

iv. Ms. Komal is permitted to have access to the appellant who is presently lodged in Central Jail, Patiala, Punjab to conduct multiple in-person interviews for the purpose of collecting information relevant to sentencing and to submit a Mitigation Investigation Report on behalf of the Appellant through the Appellant's Advocate-on-Record within twenty weeks.

v. The Central Jail, Patiala, Punjab shall ensure that, for the sake of confidentiality, these interviews are conducted in a separate interviewing space without any prison official or police staff being within earshot distance, and audio recorders be permitted to be used to record the

interviews.

vi. A person nominated by Ms. Komal be permitted to accompany her to translate during the interview.

vii. Ms. Komal is granted permission to obtain documents pertaining to the appellant, including but not limited to medical records, jail conduct, certificates of any educational, vocational or employment opportunities undertaken, etc. that the appellant may wish to submit for the purpose of sentencing information.

6. The Registry is directed to transmit a copy of this order to the Standing Counsel for the State of Punjab, who shall, in turn, ensure that the order is communicated to the relevant authorities for compliance. The Registry shall, in addition, send a due intimation to all the concerned authorities immediately for compliance.

7. All the reports shall be duly compiled and placed before this Court on the next date of hearing.

8. Learned counsel for the parties are directed to assist the Registry in pagination of the record.

9. I.A. No. 189593 of 2024 is, accordingly, disposed of.

10. List the matter after twenty weeks along with R.P. (Crl.) Nos.226-227/2019.

(NARENDRA PRASAD)
DEPUTY REGISTRAR

(ANJU KAPOOR)
COURT MASTER