

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

Petition(s) for Special Leave to Appeal (Crl)... 2009

CRLMP.NO(s). 9142

(From the judgement and order dated 06/02/2009 in  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

CRLM No.3407/2009

INDERPAL SINGH @ KALA

Petitioner(s)

VERSUS

STATE OF PUNJAB

Respondent(s)

(With appln(s) for c/delay in filing SLP

Date: 24/07/2009      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)      Mr.    U.U. Lalit, Sr. Adv.  
   Mr.    Vikram Choudhary, Adv.  
   Mr.    Nikhil Jain, Adv.  
   Mr.    D. Mahesh Babu, Adv.

For Respondent(s)

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

We are shocked to see the documents that have been put on record. From Annexure P-2 which is a Medico Legal Report of the Rajendra Hospital, Patiala, the following injuries have been noted on Kulwant Singh:

1.    Incised wound 6 cm x 1 cm x bone deep on the right side of parietal bone.    8 cm above the right ear.    Bleeds on cleaning. Advised x-ray skull.

2.    Incised wound 2 cm x 1 cm x bone deep on the left parietal bone of scalp. 8 cm above the left ear. Bleeds on cleaning. Advised x-ray skull.

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3.    Incised wound 3 cm x 1 cm x bone deep on the occipital region of skull. 6 cm above the post nuchal line. Bleeds on cleaning. Advised x-ray skull.

The post mortem conducted in the Government Medical College Hospital, Sector-32, Chandigarh however reveals the following injuries on his dead body:

"1. Stitched wound 1.6 cm present on right frond of head, 9.5 cm vertically above the middle of right eye brow. On removal of stitches partially healed sealed wound present skin deep margin adherent.

2.    Three stitched would present in an area 6 x 4.5 cm on (L) side head.    The outer most injury was 7 cm directly

above left ear. On stitch removal partially healed seabed wound present with adherent margins.

3. Stitched wound 6 cm long horizontal placed over the R of head. The outer most end being 5 cm above the right ear. On cleaning and removing stitches margins are contused, reddish black in colour and slough present in the wound, which oozed out on pressing the margins. Margins are loosely adherent.

4. Horizontally placed stitched wound on the back of head, with the left angle of wound being 10 cm behind left ear. On stitch removal and cleaning margins were contused wound. Rest of the margins loosely adherent.

5. Seabed abrasion with seab separating at edges present vertically on left forehead 5 x 2 cm in size. Starting from inner edge left eyebrow.

6. Seabed abrasion with seab separating at edges 2.5 x 2 cm present on left of nose.

7. Contusion abrasion purplish to blackish in colour 11 x 8 cm in size present on uppermost front of chest starting 5 cm directly above L nipple.

8. Purplish contusion present on front trap of right shoulder upto whole of outer aspect of right arm and 2 cm below right elbow,

9. Purplish contusion with small abrasion in between present on the whole of the back of left forearm, elbow and lower half of left arm.

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10. Multiple seabed abrasion present on the back of the left hand with seab separated at places and with abnormal mobilization at left wrist joint on..... and exploration, fracture of lower and left tibia present in multiple pieces.

11. Purplish contusion present on outer aspect of right side of trunk from right axilla to the right hip.

12. Purplish contusion present on the outer aspect, outer front aspect and back of right thigh and right left upto right ankle with multiple from track contusion abrasion seabed at places each 1.5 cm wide present intermittently over the contusion. On dissection and exploration fracture of upper part of right fibula present.

13. Stitched injury with one stitch measuring 1.1 x 0.8 cm in size present in upper outer left thigh, 23 cm to the left of midline of abrasion, 15 cm below the level of left anterior superior iliac spine and 93 cm above the left heel. Externally injury partially healed with seab in. Abrasion collar present on outer aspect of the wound. On dissection tract for upto a depth of 3 cm partially healed linear hair line fracture present in the left..... 2 cms below the level of lesser trochanter. Partially Deferred Bullet recovered from the adjoining the area of fracture of femur showed a metallic compaction. Portion of femur cut and preserved to be sent to FSL. Recovered bullet sealed in our presence to be handed over to the police.'

Injury No.13 was apparently a gun shot injury and a bullet was also recovered therefrom. We are prima facie of

the opinion that the report of the Rajendra Hospital, Patiala and the Government Medical College, Chandigarh cannot be reconciled. We also cannot stand as mute spectators to this huge discrepancy and feel that an enquiry needs to be made with respect to the two reports so that the correct position is brought on record.

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Let notice be issued to the State of Punjab, the Principal, Government Medical College, Rajendra Hospital, Patiala and to the Principal, Government Medical College, Sector-32, Chandigarh and the Union Territory of Chandigarh returnable within six weeks on the above limited question only. The bail application is also adjourned to the same date.

(Arvind)  
Sr.PA

(Vinod Kulvi)  
Court Master