

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

Petition(s) for Special Leave to Appeal (Crl) No(s).7552/2009

(From the judgement and order dated 25/03/2009 in CRLR No.2314/2004, of  
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VIJAY SHAKTI (D) THR.ANITA RANI Petitioner(s)

VERSUS

STATE OF PUNJAB & ORS. Respondent(s)

(With appln(s) for substitution of deceased petitioner and office report)

Date: 31/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Ms. Lalita Kohli,Adv.  
Mr. Abhishek Swarup,Adv.  
M/S Manoj Swarup & Co.,Adv.

For Respondent(s) Mr. U.U. Lalit,Sr.Adv.  
Mr. Vipin Gogia,Adv.  
Ms. Jaspreet Gogia,Adv.

Mr. Jayant K.Sud,AAG,Punjab  
Mr. Ajay Pal ,Adv

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

Application for substitution of the legal heirs of deceased petitioner is allowed. Smt. Anita Rani is allowed to come on record. Cause title be amended accordingly.

Heard Ms. Lalita Kohli, learned counsel for the petitioner, Mr. Jayant K. Sud,AAG, Punjab and Mr. U.U. Lalit, learned senior counsel appearing for respondent No.2.

Facts and circumstances giving rise to this petition are that in the month of May, 1983 when communal riots broke out in the city of Patiala (Punjab), the Administration imposed the curfew in the

town on 2.5.1983. It was on 5.5.1983 that Ashok Kumar, son of Smt. Vijay Shakti, original petitioner and husband of Anita Rani was shot dead by constable Swaran Singh during curfew. Subsequently, it was alleged by the complainant that Swaran Singh had shot at deceased Ashok Kumar on being incited by Paramjit Singh, respondent no.2 the then trainee Inspector in Punjab Police and one Hardyal Singh also, a Punjab Police official. After the incident, considering the demand of the people at large, Government appointed a Fact Finding Commission headed by Hon'ble Justice K.K. Dubey, a retired Judge of Madhya Pradesh High Court and certain findings were recorded therein.

An FIR No.282 under Section 302 IPC was lodged on 31.12.1986 in Police Station Kotwali Patiala against Swaran Singh, Hardyal Singh and Paramjit Singh, respondent no.2. A cancellation report dated 15.3.1989 was filed by the Investigating Officer after completion of the investigation. However, learned Magistrate did not accept the cancellation report rather ordered to file challan and issued summons to all the three aforesaid accused.

Aggrieved of the summons, a Criminal Revision No.4 of 2004 was filed by the State of Punjab before the Court of Addl. Sessions Judge, Patiala which passed the order dated 2.6.2004 upholding the summons only in respect of accused Swaran Singh.

Aggrieved, the complainant preferred Criminal Revision No.2314 of 2004 before the High Court which stood dismissed vide order dated 25.3.2009 by recording a finding of fact that Ashok Kumar after receiving the gun shot injury caused by Swaran Singh died spontaneously on the spot. Paramjit Singh came there alongwith other police officers after the incident.

Ms. Lalita Kohli, learned counsel for the petitioner has challenged the order of the courts below, however there is no material on record to show to the contrary. Hardyal Singh and Swaran Singh have already died. The incident occurred more than 30 years' ago. No purpose would be served to hold any further inquiry/investigation/trial at such a belated stage. We do not see any cogent reason to interfere with the well-reasoned judgment and order of the High Court as well as that of the revisional court.

In view of the fact that Anita Rani, widow of Ashok Kumar is helpless and has lost the bread earner in police firing, a lump sum amount of Rs.7,50,000/- (Rupees Seven Lakh Fifty Thousand) be paid to her by the State of Punjab, within a period of two months peremptorily.

The present petitioner is directed to open a bank account, if there is not already one and furnish the particulars of the same to the learned District Collector, Patiala and the State shall deposit that amount in her account through the District Collector.

The special leave petition stands disposed of, in above terms.

(O.P. Sharma)  
Court Master

(M.S. Negi)  
Court Master