

PETITIONER:
RAGHBIR SINGH

Vs.

RESPONDENT:
STATE OF HARYANA

DATE OF JUDGMENT 31/03/1980

BENCH:
KRISHNAIYER, V.R.
BENCH:
KRISHNAIYER, V.R.
VENKATARAMIAH, E.S. (J)

CITATION:
1980 AIR 1087 1980 SCR (3) 277
1980 SCC (3) 70

ACT:

Criminal trial-Death of a suspect in police custody-Use of third degree methods by police in investigation-Disapproved.

HEADNOTE:

The prosecution alleged that the petitioner, an Assistant Sub-Inspector of Police, subjected one of the suspects in a theft case to severe flagellation which resulted in the death of the suspect. Medical examination of the deceased revealed that death was due to asphyxiation.

On a study of the circumstances and the incontrovertible facts of flagellation and asphyxiation within police premises and the testimony of eye witnesses, the trial court found the petitioner guilty of the offence with which he was charged and sentenced him to imprisonment for life. His explanation that death was due to suicidal hanging was rejected by the trial court as well as by the High Court.

Dismissing the petition,

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HELD: There was no error either in the appreciation of evidence or the conclusion reached by the courts below. [278 D]

[It is disturbing to find diabolical recurrence of police tortures resulting in a terrible scare in the minds of common citizens that their lives and liberty are under a new peril when the guardians of the law go to human rights to death. Police lock-ups are becoming more and more awesome cells. This development is disastrous to the human rights awareness and the humanist constitutional order.] [278 E]

JUDGMENT:

CRIMINAL APPELLATE JURISDICTION: Special Leave Petition (Crl.) No. 679/1980. F

From the Judgment and order dated 6-12-1979 of the Punjab & Haryana High Court in Crl. A. No. 880/78.

A. N. Mulla, T. L. Garg and N. D. Garg for the Petitioner.

The order of the Court was delivered by

KRISHNA IYER, J., The criminal scenario with a tragic crescendo which has been unfurled in this Special Leave Petition starts with 'a bunch of 'suspects' being brought up to the police post which was in charge of the petitioner, an Assistant Sub-Inspector. A case of theft in some officers house had been reported to the police the previous night and so as part of the investigation the suspects were picked up and suffered as part of the process of 'investigation' severe flagellation. Chhabila, one of those so tortured, succumbed to his injuries. This

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triggered off investigation into the murderous conduct of the investigator, the petitioner, and another. Medical examination revealed the cruel cause of death as asphyxiation. One of the injuries which, according to the doctor, made the deceased unconscious was torture on both the soles of the foot of the victim. A trial for murder followed, a conviction under s. 302 was entered and eventually the High Court confirmed the conviction and sentence of life imprisonment so far as the petitioner was concerned. A false explanation of suicidal hanging was set up by the police officer-accused but this was rejected and eventually on a study of the circumstances and the incontrovertible facts of flagellation and asphyxiation within police premises and the testimony of eyewitnesses about nocturnal detention within the police station and beating up of the victim, the courts below concurrently found the guilt of the petitioner proved beyond reasonable doubt. Strenuous submissions have been made to us by Shri Mulla to discredit the prosecution version of murder but we are not in the least convinced that there is any error in the appreciation or the conclusion.

We are deeply disturbed by the diabolical recurrence of police torture resulting in a terrible scar in the minds of common citizens that their lives and liberty are under a new peril when the guardians of the law gore human rights to death. The vulnerability of human rights assumes a traumatic, torture some poignancy when violent violation is perpetrated by the police arm of the State whose function is to protect the citizen and not to commit gruesome offences against them as has happened in this case, Police lock-up if reports in newspapers have a streak of credence, are becoming more and more awesome cells. This development is disastrous to our human rights awareness and humanist constitutional order.

The State, at the highest administrative and political levels, we hope, will organise special strategies to prevent and punish brutality by police methodology. Otherwise, the credibility of the rule of law in our Republic vis-a-vis the people of the country will deteriorate.

We conclude with the disconcerting note sounded by Abraham Lincoln:

"If you once forfeit the confidence of your fellow citizens you can never regain their respect and esteem. It is true that you can fool all the people some of the time, and some of the people all the time, but you cannot fool all the people all the time."

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These observations have become necessary to impress upon the State police echelons the urgency of stamping out the vice of 'third degree' from the investigative armoury of the police.

P. B. R.

Petition dismissed.

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JUDIS