

(112+205) CWP-PIL-29, 30, 36 & 42-2024
CRWP-1830-2024
Uday Pratap Singh Vs. UOI & others

Present: Mr. Uday Pratap Singh, petitioner in person(in CWP-PIL-29-2024).
Mr.Arvind Seth, Advocate, petitioner-in person (in CWP-PIL-30-2024).
Mr. Arun Kumar Goyat, Advocate,
for Mr. Himmat Singh Deol, Advocate,
for the petitioner (in CWP-PIL-36-2024).
Mr.R.S.Bains, Sr.Advocate
with Mr.Gurmohan Preet Singh, Advocate
for the petitioner in CRWP-1830-2024.
Mr.Pragbir S.Dhindsa, Advocate
for the petitioner in CWP-PIL-42-2024.
Mr.Satya Pal Jain, Addl. Solicitor General of India
with Mr. Dheeraj Jain, Sr. Standing Counsel, for Union of India.
Mr. Saurav Khurana, Addl. A.G., Punjab.
Mr. Deepak Sabherwal, Addl. A.G., Haryana.
Mr. Jaiveer S. Chandel, Addl. Standing Counsel
for U.T., Chandigarh.
Mr. Navjit Singh, Advocate for
Mr. Manish Bansal, P.P., U.T., Chandigarh
Mr.H.S.Batth, Advocate, for the applicant
(in CM-14-15-CWPIL-2024 in CWP-PIL-29-2024).
Mr. Pardeep Kumar Rapria, Advocate, for the applicant-intervener
(in CM-22-23-CWPIL-2024 in CWP-PIL-29-2024).

In pursuance of the earlier orders, the Committee which had been constituted and it has submitted its interim report dated 08.05.2024.

As per the said interim report, the deceased-Subh Karan who was hit by pellets, was standing next to the electric pole situated in Khasra No.10//12, adjacent to the road within the revenue estate of Village Data Singh Wala District Jind. The location has been identified by the parties whose statements were recorded which was approximately 500 meters from the Punjab Border. The site-plan has also been annexed along with the report. The Committee thus is of the considered opinion that the place of occurrence was within the jurisdiction of the State of Haryana and nowhere else.

Regarding the issue of the cause of death, by which type of weapon and bullet/pellet, the Committee has opined that it would be appropriate to direct the investigating agency to get a report from the Central Forensic Laboratory, Chandigarh to answer the question posed about the weapon used and the bullet/pellets discharged as it would ease the apprehension of the farmers who have raised concern about fair investigation. It is thus opined by the Committee that the case property is with the Punjab Police and orders would be required to hand-over the same to the investigating agency as appointed by the High Court, which would then get the necessary report from the Laboratory. It has further been mentioned that for examining the other issues and to comply with the directions issued, the statements of the farmers who were injured have to be recorded and the Committee would thereafter record the statements of the Police Personnel in-charge and present on the spot. The Committee thus seeks extension of time to give its report.

Keeping in view the above, we accede to the request of the Committee, as such, to continue in its endeavour, as per the directions issued earlier.

Accordingly, we also direct the State of Punjab to submit the record regarding the post-mortem report along with the pellets collected from the body of the deceased-Subh Karan to the Central Forensic Laboratory, Chandigarh so that opinion can come by the next date of hearing from the said Laboratory regarding the type of weapon and the bullet/pellets which it emanated. The needful be done by 07.06.2024. Mr.Dheeraj Jain shall ensure that the office of the CFSL, Chandigarh will give the necessary report to this Court through the Registrar General by the next date of hearing.

Copies of the interim report have been placed on record. Counsels are free to apply for the same and office shall supply copies, on payment of requisite fees. On the next date of hearing, the State of Haryana shall also give the panel of names of the high ranking Police officials for investigating the matter, as suggested by the Committee.

It is pointed out that Highways/National Highways at the Shambhu Border continues to be blocked which is causing inconvenience to the commuters. Accordingly, both the States of Punjab and Haryana shall submit their affidavits regarding this aspect, by the next date of hearing, giving the details as to when it was closed and for how long the said position would continue.

List on 10.07.2024.

Photocopy of this order be placed on the record of each connected case.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

May 28, 2024
Sailesh