



Campaign Against Torture &lt;campaignagainsttorture.india@gmail.com&gt;

**Closure of case with direction to the authority(CDW) - 693/19/10/2019-AD**

1 message

nhrc.india@nic.in &lt;nhrc.india@nic.in&gt;

Fri, May 6, 2022 at 12:44 PM

To: dgp.punjab.police@punjab.gov.in, campaignagainsttorture.india@gmail.com

Cc: ar4.nhrc@nic.in

**Case No.- 693/19/10/2019-AD**NATIONAL HUMAN RIGHTS COMMISSION  
(LAW DIVISION)

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MANAV ADHIKAR BHAWAN, BLOCK-C,  
G.P.O. COMPLEX, INA, NEW DELHI- 110023  
Fax No.: 011-24651332 Website: [www.nhrc.nic.in](http://www.nhrc.nic.in)

Date : 06/05/2022

To,

THE DIRECTOR GENERAL OF POLICE  
PUNJAB POLICE HEAD QUARTERS, SECTOR-09, CITY-CHANDIGARH.  
PUNJAB PUNJAB  
160009  
Email- [dgp.punjab.police@punjab.gov.in](mailto:dgp.punjab.police@punjab.gov.in)

Sir/Madam,

The complaint/intimation dated 07/08/2019, received from DHANA KUMAR in respect of NARDEEP SINGH SETHI, was placed before the Commission on 06/05/2022. Upon perusing the same, the Commission directed as follows:

The case relates to a complaint dated 07.08.2019 which was received from Sh. Dhana Kumar, Coordinator, Campaign Against Torture, Delhi wherein he had informed the Commission about the death of one Nardeep Singh (aged 32 years), on 06.08.2019, in the custody of Samrala Police Station, District Ludhiana, Punjab.

The Commission vide its proceedings 17.6.2021 made inter-alia an observation and direction as under-

“Magisterial enquiry, in the instant case, was conducted by Judicial Magistrate 1st class Samrala, Ludhiana, Punjab who recorded the statement of police officials, son of the deceased, lockup inmates and autopsy doctor. The enquiry magistrate also inspected the place where the deceased gunshot himself in interrogation room of PS Samrala and examine the dead body and all the other documents relevant to the case. The son of the deceased stated that his father died due to negligence of ASI Rajinder Singh IO of the case. The police officials and other witnesses revealed that the deceased was in the custody of PS Samrala vide FIR No.0175/2019 u/s 22 NDPS Act dtd 05.08.2019. On 06.08.2019, Nardeep Singh was taken for interrogation by ASI Rajinder Singh IO of the case to his interrogation room at 9.35 hrs. During interrogation at 11.30 hrs ASI Rajinder Singh went to bring papers from the munshi office, where he heard sound of one fire from 1st floor of the PS Samrala. At once he went on to the 1st floor of PS and found accused Nardeep Singh committed suicide by shooting himself with his service pistol which was kept in drawer of the table in the interrogation room. Cause of death as opined by the board of doctors revealed death due to "firearm injury which is ante mortem in nature and sufficient to cause death in ordinary course of nature. Based on all the testimonies, the enquiry magistrate concluded that the death of the deceased Nardeep Singh was not

culpable homicide. ASI Rajinder Singh didn't appear to have caused death of Nardeep Singh directly as presence of ASI Rajinder Singh IO of the case, at the time of use of firearm by the deceased, was not established in the CCTV footage but certainly there was negligence on the part of ASI Rajinder Singh which had provided an opportunity to the deceased to end his life by leaving him alone in the interrogation room. ASI Rajinder Singh even left his weapon in the drawer of the table in the interrogation report. Being a public servant, it was the duty of the ASI to carry his weapon along with him while leaving the interrogation room. The Commission, after analysis of the relevant reports, is of the opinion that it is admitted fact that the deceased was in the custody of the state and had committed suicide within the premises of the police station which was under control of authorities. As the State owes a responsibility to protect the life of an individual under its custody and hence becomes vicariously liable to compensate for loss of life of such individual.

In view of above, the Commission directs its Registry to issue notice u/s 18 of the PHR Act 1993 to the Chief Secretary, Govt. of Punjab to show cause as to why the Commission should not grant a monetary compensation of Rs 3,50,000/- (Rs Three Lakhs Fifty Thousand only) to the NoK of the accused Nardeep Singh, who died on 6.8.2019 while being in the custody of PS Samrala, District-Ludhiana, Punjab. The Reply to the show cause notice be given within six weeks positively failing which the Commission shall presume that the State Government has no objection in grant of said compensation and the Commission would be constrained to confirm its recommendation by directing the State Government to submit the compliance report and proof of payment within the specified time period.

The Commission also directs the DGP, Punjab to conduct a departmental enquiry against the ASI Rajinder Singh in a time bound manner for the negligence which led to death of the accused Navdeep Singh and also submit an explanation for not intimating the instant case of death in police custody to the Commission which amounts to contravention of the standing provisions in this regard. The action taken report along with explanation, as called for, to be submitted within four weeks failing which the Commission will be constrained to invoke its coercive power u/s 13 of the PHR Act,1993 calling for the personal appearance of the authority concerned before the Commission ”.

While taking up the matter on 25.3.2022, the Chief Secretary, Govt. of Punjab and Director General of Police, Punjab were directed to submit the compliance report with regard to the payment of monetary compensation of Rs 3,50,000/- (Rupees Three Lakhs Fifty Thousand only) to the NoK of the accused Nardeep Singh and the outcome of the judicial enquiry, which is pending against ASI Rajinder Singh in the instant case.

Pursuant to the direction, Sr. Superintendent of Police, District-Khanna, Punjab has submitted compliance report of payment of Rs. 3,50,000/- (Rupees Three Lakhs Fifty Thousand only) to one Smt. Paramjeet Kaur, wife of the deceased Nardeep Singh by way of ECS/NEFT mode dated 31.3.2022.

The said report has been taken on record. As the direction w.r.t. payment of compensation has been complied by the State Government , the Commission directs, DGP, Punjab to submit outcome of the judicial enquiry, which is pending against ASI Rajinder Singh, within a period of eight weeks, for official record of the Commission.

With this standing direction, instant case stands closed.

2. Accordingly, you are directed to take further necessary action at your end as per the directions of the Commission.

Yours faithfully

Sd/-

Debindra Kundraa

ASSISTANT REGISTRAR (LAW)

M-4 Section

Ph. No. 011-24663290

Email. [ar4.nhrc@nic.in](mailto:ar4.nhrc@nic.in)

CC to

## Complainant Details:

Case No. 693/19/10/2019-AD

DHANA KUMAR

C-3/441, THIRD FLOOR, JANAKPURI, NEW DELHI-110058, INDIA

WEST DELHI , DELHI

110058

Sd/-

Debindra Kundraa


ASSISTANT REGISTRAR (LAW)

Ph. No. 011-24663290

Email. [ar4.nhrc@nic.in](mailto:ar4.nhrc@nic.in)

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**2 attachments** **9186-IN-2019.pdf**  
867K **DiaryDetails.pdf**  
76K