

Raghubir Singh

Vs

State of Haryana

Special Leave Petition (Criminal) No. 679 of 1980

(V. R. Krishna Iyer, E. S. Venkataramiah JJ)

31.03.1980

ORDER

KRISHNA IYER, J. –

1. 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 the charge of the petitioner, an Assistant Sub-Inspector. A case of theft in some officer's house had been reported to the police the previous night and so as part of the investigation 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 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 feet of the victim. A trial for murder followed, a conviction under Section 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.

2. We are deeply disturbed by the diabolical recurrence of police torture 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 gore human rights to death. The vulnerability of human rights assumes a traumatic, torturous poignancy; the 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.

3. 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.

4. 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.

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.

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