

Death of Sawinder Singh Grover, Re.

(Kuldip Singh, P. B. Sawant, N. M. Kasliwal JJ)

21.10.1992

JUDGMENT

Re : Death of Sawinder Singh Grover

We have perused the report of the learned Additional District Judge, Delhi. In the conclusions he has summed up the report as under :

(i) Shri Nanday's deposition contained in para 8 of his affidavit filed before Hon'ble Supreme Court regarding the circumstances leading to the death of Sawinder Singh does not appear to be truthful. It was certainly not a suicidal jump by Sawinder Singh, as propounded in the affidavit of Shri Nanday.

(ii) It is not possible to say precisely what went on inside room leading to the incident. There is strong suspicion of some misfeasance including torture on the part of Shri Narang and Shri Jaswant Singh whose accounts in this regard are unworthy of credit.

(iii) The Officers of the Directorate had wrongfully confined Kanhiya Singh, Waryam Singh, Ram Saran and Surinder Singh in the office of the Directorate after the incident till their departure at about 4.15 a.m.

It is not disputed that the matter has not as yet been finally investigated. The learned Attorney-General assisting us in this case states that he does not accept the findings of the report and he reserves his right to challenge the same at the appropriate stage. We are of the view that the facts and circumstances which have now come to light create a prima facie case for investigation and prosecution. We, therefore, direct that all the persons named in the report of the learned Additional District Judge and others who are accused as a result of the investigation, be prosecuted for the appropriate offences under the law by the Central Bureau of Investigation. We direct the CBI to ensure that an FIR is registered on the facts as emanate from our order and the report of the learned Additional District Judge. A copy of the report along with all the annexures be sent to the Central Bureau of Investigation. As an interim measure by way of ex gratia payment, we direct that a sum of Rs 2,00,000 (two lakhs) shall be paid by the Union of India/Directorate of Enforcement to the widow of the deceased-Sawinder Singh. In the event a suit being filed for compensation, appropriate compensation may be determined in accordance with law after hearing the parties. The contentions of the learned Attorney-General which he wishes to place before us at this stage, should be reserved by him for an appropriate stage. In the event a decree to be passed, the sum of Rs 2,00,000 to be paid ex gratia, shall not be taken into account. The payment of rupees two lakhs shall be made within three months from today. The amount shall be deposited in the Registry of this Court and the widow of deceased-Sawinder Singh shall be at liberty to withdraw the entire amount on the identification to the satisfaction of the Registrar (Admn.). Any observation made by us in this order will not affect the investigation, prosecution and the trial. Notice is disposed of.

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