



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: May 12, 2025
Pronounced on: May 20, 2025

(i) CRM-M-23-2020 (O&M)

Amandeep Kaur

... Petitioner

Versus

Union of India and others

...Respondents

(ii) CWP-4430-2020 (O&M)

Amarjeet Kaur

... Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Surinder Gandhi, Advocate
for the petitioner
in CRM-M-23-2020 and CWP-4430-2020.

Mr. Vrishank Suri, Advocate
Amicus Curiae in CRM-M-23-2020.

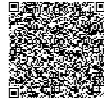
Mr. Rishabh Singla, AAG, Punjab.

Mr. Ravi Kamal Gupta, Advocate
for respondent No.6-CBI in CRM-M-23-2020.

HARPREET SINGH BRAR, J.

CRM-M-19535-2025

The present application has been preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter 'Cr.P.C.') seeking to place



**CRM-M-23-2020(O&M)
& 01 connected case**

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the synopsis on record, as well as to dispense with the affidavit of the petitioner.

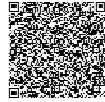
For the reasons specified in the application, the same is allowed. The synopsis is taken on record and the requirement of affidavit of the petitioner is dispensed with.

CRM-M-23-2020 and CWP-4430-2020

1. This common judgment shall dispose of both the above-mentioned petitions as they arise from identical factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-23-2020.

2. The present petition is preferred under Section 482 of the Cr.P.C. seeking directions for:

- i. Cancellation of FIR No.114 dated 20.12.2019 (Annexure P-1) registered under Sections 307, 186, 353, 34 IPC at Police Station Mehna, District Moga against father of the petitioner
- ii. Registration of an FIR under Sections 302, 307, 148, 149, 120-B, 182 IPC, Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (hereinafter 'SC/ST Act') and the relevant provisions of the Arms Act, 1959 against Manpreet Singh @ Romi and other police officers, as mentioned in complaint dated 21.12.2019 (Annexure P-2)
- iii. Transfer of investigation to CBI
- iv. Protection of their life and liberty

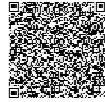


- v. Grant of compensation with respect to the murder of Jobanpreet Singh and injured-Gurchet Singh.

3. Briefly, the facts, as alleged, are that on 19.12.2019, Manpreet Singh @ Romi called the husband of the petitioner namely Gurchet Singh and asked him to go to Chandigarh with him. Gurchet Singh left with his friend Jobanpreet Singh in his car and when they reached Moga, Manpreet Singh @ Romi along with 10-12 other persons, chased them and fired at them. Both of them sustained gunshot injured, but somehow Gurchet Singh managed to drive them to the hospital. Upon arrival, Jobanpreet Singh was declared brought dead.

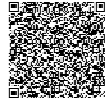
4. Learned counsel for the petitioner *inter alia* contends that the Gurchet Singh, husband of the petitioner, has been targeted due to his caste identity as he belongs to a Scheduled Caste. Moreover, jurisdictional police officers are shielding the accused- Manpreet Singh @ Romi and pressurizing the petitioner and her husband to give a statement favouring them. They also fraudulently got the signatures of Gurchet Singh on some papers. Further still, the police has presented the occurrence as an incident of accidental shooting whereas it is a case of cold blooded murder of Jobanpreet Singh and a dedicated attempt to murder the husband of the petitioner. Since the police itself are complicit in the act, the petitioner has been unable to get an FIR registered against Manpreet Singh @ Romi and the police officers involved.

5. Learned *Amicus Curiae* submits that the version put forth by the jurisdictional police authorities is that they received a secret information



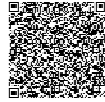
that drugs are being transported by Jobanpreet Singh. They established a checkpoint but Gurchet Singh, husband of the petitioner, did not stop and tried to run over the police officers. The police officers shot at the car in self defence, resulting in death of Jobanpreet Singh. On 27.12.2019, Gurchet Singh was arrested. The police also claimed that the deceased and Gurchet Singh were habitual offenders, with 04 cases pending against the latter, and that 48 grams of heroin, 3 cartridges of 315 bore gun were recovered from their car.

6. He further submits that a different version has been put forth in the statement recorded by Gurchet Singh on 21.12.2019, wherein he stated that Manpreet Singh @ Romi along with 10-12 persons shot at him and Jobanpreet Singh. He has also mentioned that the cause of the dispute was a prior quarrel between them, rooted in caste based discrimination. In spite of categorical allegations having been levied against Manpreet Singh @ Romi, no FIR has been registered against him. Rather, FIR No. 114 (supra) was filed by the police against the husband of the petitioner to save their own skin and also shield Manpreet Singh @ Romi. Further, the final report under Section 173 Cr.P.C. has only been presented against Gurchet Singh on 21.12.2020 for offences under Section 21 of the NDPS Act and Section 25 of the Arms Act, 1959 and charges were also framed vide order dated 05.12.2022. However, Manpreet Singh @ Romi has essentially disappeared and no efforts have been made to trace him. As far as the issue of registration of an FIR against the proposed accused is concerned, the Hon'ble Supreme Court in *Sakiri Vasu vs. State of U.P. 2008(1) R.C.R.(Criminal) 392* has held that instead of filing a petition under Section 482 Cr.P.C. for registration of FIR, the aggrieved should



first exhaust the remedy under Section 154(3) and 156(3) of the Cr.P.C. and if a petition under Section 482 Cr.P.C. for the same is filed, the matter must be relegated. The same was also reiterated in *M. Subramaniam and Anr. vs. S. Janaki and another 2020 (2) R.C.R. (Criminal) 788*. On that note, the petitioner had moved an application under Section 156(3) Cr.P.C, however the same was dismissed by the learned Judicial Magistrate Ist Class, Moga vide order dated 05.03.2024. Since the same remains unchallenged, it would be deemed to have attained finality. Moreover, a Co-ordinate bench of this Court in *Sanjay Gambhir vs. State of Punjab and Others 2023(4) R.C.R.(Criminal) 816*, has opined that even if no FIR is registered, in derogation of the directions laid down in the *Lalita Kumari vs. Govt. of U.P. and others 2013 (4) R.C.R. (Criminal) 979*, a petition Section 482 Cr.P.C. is not the only remedy available. Rule 5 of the SC/ST Act also provides for a similar provision for redressal of grievances as is provided in the Cr.P.C.

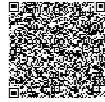
7. Further, the case stemming from FIR (*supra*) is at the stage of prosecution witness. As such, it would be recommended that the trial is allowed to reach its natural conclusion after the evidence adduced by both sides is analysed by the concerned trial Court as it involves disputed questions of fact. Reliance in this regard can be placed on *Parveen Kumar and another vs. State of Punjab and another 2024(2) R.C.R.(Criminal) 724*. In so far as the prayer of the petitioner for transfer of investigation to the CBI is concerned, in the case of *Mithilesh Kumar Singh vs. State of Rajasthan 2015(1)R.C.R.(Criminal) 437*, the Hon'ble Supreme Court allowed the transfer of investigation but also opined that while considering the transfer of



investigation, the Hon'ble Courts have to remain sensitive to the principle that the transfer is not made solely because a party desires it. It is only when justice becomes a victim because of shabby or partisan investigation or when discovery of truth is not possible that investigation can be transferred. A Coordinate bench of this Hon'ble Court in ***Satish Kumar Saini and another vs. State of Punjab and others 2025(1) R.C.R.(Criminal) 436*** and ***Talima vs. State of Haryana and Ors. 2024(3) R.C.R. (Criminal) 128*** opined that merely because there are allegations against the police officials does not mean that investigation can be transferred to the CBI. Investigation can be transferred where it becomes imperative to add credibility and instill confidence in the investigation. It was further held that ordinarily, a person aggrieved of non-registration of FIR is to approach the Illaqa Magistrate first. A petition under Section 482 Cr.P.C. for registration of FIR ought to be examined in very rare cases. A Co-ordinate bench of this Court in ***Harinderpal Singh Bassi vs. State of Punjab and others in CRM-M-60024 of 2022 decided on 04.01.2024***, speaking through Justice Deepak Gupta, laid down the parameters to be considered while transferring a case to CBI, which are as follows:

“16. Keeping in mind the precedents as laid down by Hon’ble Apex Court, following principles emerge:

- The power to transfer an investigation is extraordinary and must be used “sparingly”, cautiously and only “in exceptional circumstances”.*
- No one can insist that an offence be investigated by a particular agency. An aggrieved person can only claim that the alleged offence be investigated properly, but he has no right to claim that it be investigated by any particular agency of his choice.*
- Transfer of investigation is not to be directed by the Court just for the asking nor the same is transferred only to satisfy the ego or vindicate the prestige of a party interested in such investigation,*



but the decision whether transfer should or should not be ordered, rests on the Court's satisfaction depending upon facts and circumstances of a given case.

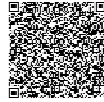
- *The power to order fresh, de novo or re-investigation is vested with the Constitutional Courts; and the commencement of a trial and examination of some witnesses cannot be an absolute impediment for exercising the said constitutional power, which is meant to ensure fair and just investigation.*

- *Though satisfaction of want of proper, fair, impartial and effective investigation eroding its credence and reliability is the precondition for a direction for further investigation or reinvestigation, submission of the charge sheet ipso facto or the pendency of the trial can, by no means, be a prohibitive impediment.*

- *Following exceptional situations may be considered while ordering transfer of investigation:*

- *where it becomes necessary to provide credibility and instil confidence in the public mind, in the investigations, or where the incident may have national and international ramifications, or*
- *where such an order may be necessary for doing complete justice and enforcing the fundamental rights, or*
- *when the Court feels that the investigation by the police authorities is not in a proper direction, or*
- *when high police officials are involved in the alleged crime, or*
- *where investigation by the State police lacks credibility and it is necessary for having "a fair, honest and complete investigation", and particularly, when it is imperative to retain public confidence in the impartial working of the State agencies. ..."*
- *when there is a reasonable apprehension about justice becoming a victim because of shabby or partisan investigation."*

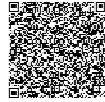
Reliance can also be placed on the judgments rendered in ***State of West Bengal and others vs. The Committee For Protection of Democratic Rights West Bengal and others (2010) 3 SCC 571, Abhishek Chetal vs. Central Bureau of Investigation and others 2019(2) R.C.R.(Criminal) 177, Sudipta Lenka vs. State of Odisha and another (2014) 11 SCC 527 and***



Union Territory of Chandigarh vs. Mohit Dhawan in SLP (criminal) No. 3405 of 2023 decided on 06.08.2024.

8. Lastly, since the husband of the petitioner has sustained significant injuries due to excesses committed by the State law enforcement agency, the case may be considered for award of compensation, in exercise of the inherent powers of this Court. Reliance in this regard is placed on ***Nilabati Behera alias Lalita Behera vs. State of Orissa and others 1994 (1)(R.C.R.(Criminal) 18, Rudul Shah vs. State of Bihar and another (1983) 4 SCC 141, M. Balu vs. The ADGP Crime Branch CID Chennai 2014(41) R.C.R. (Criminal) 874, Saheli, A Women's Resources Centre vs. The Commissioner of Police 1990(1) R.C.R.(criminal) 299, People's Union for Democratic Rights vs. State of Bihar and others 1987 AIR SC 355, Savita and others vs. The State of Haryana and others CWP-17180-2018 decided on 11.10.2022 and Shinder Kaur vs. State of Punjab and others 2023 NCPHHC 158366.***

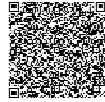
9. Learned State counsel submits that 48 grams of heroin and three cartridges of 315 bore gun were recovered from the car being driven by Gurchet Singh. The said vehicle belonged to his father-in-law. Further, 06 shots were fired by Constable Amarjit Ram in self-defence when Gurchet Singh tried to run the police party over with his vehicle. However, he could not controvert the fact that the said assault resulted in the death of Jobanpreet Singh and left Gurchet Singh injured. He further submits that the police has no previous acquaintance with the victims and as such, it is evident that the shots were fired in self-defence indeed and not to satisfy any personal vendetta.



Additionally, no application has been filed against Manpreet Singh @ Romi in any police station or before the National Commission for Scheduled Castes. Lastly, a total of 04 FIRs are pending against Gurchet Singh including one for murder, one under NDPS Act and the Punjab Excise Act, 1914 each.

10. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that Jobanpreet Singh (son of the petitioner in CWP-4430-2020) and Gurchet Singh (husband of the petitioner in CRM-M-23-2020) were travelling together when shot at by Manpreet Singh @ Romi and his companions. While Gurchet Singh sustained injuries, as per the certificate from Habans Nursing Home, Kot-Ise-Khan, Moga (Annexure P-1 in CWP-4430-20250), Jobanpreet Singh was brought dead on 19.12.2019. A statement of Gurchet Singh was also recorded when he was admitted in Apollo Hospital, Ludhiana wherein he categorically stated that they were shot at by Manpreet Singh @ Romi along with 10-12 accomplices. Curiously, the jurisdictional police has presented a completely different version of events stating that they had prior information of the victims smuggling drugs. It is their case that Gurchet Singh and Jobanpreet Singh, tried to run over the officials present at the checkpoint with their car. Admittedly, Constable Amarjit Ram fired 06 shots at them in self-defence. Interestingly, the police party has stated that it was an instance of misfiring. However, the name of Manpreet Singh @ Romi finds no mention anywhere.

11. While it may be true that the deceased and the injured were arraigned as an accused in other cases, however, the same does not give a right to the police officials to indulge in excesses to conduct his arrest. The alleged



secret information pertained to smuggling contraband drugs, as such the police was bound to follow the drill of Section 46 Cr.P.C, which is reproduced below:

Section 46-Arrest how made.

(1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action:

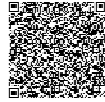
Provided that where a woman is to be arrested, unless the circumstances indicate to the contrary, her submission to custody on an oral intimation of arrest shall be presumed and, unless the circumstances otherwise require or unless the police officer is a female, the police officer shall not touch the person of the woman for making her arrest.

(2) If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with imprisonment for life.

*(4) Save in exceptional circumstances, no woman shall be arrested after sunset and before sunrise, and where such exceptional circumstances exist, the woman police officer shall, by making a written report, obtain the prior permission of the Judicial Magistrate of the first class within whose local jurisdiction the offence is committed or the arrest is to be made.
(emphasis added)*

12. Since at this point, the matter pertained to the NDPS Act and the maximum sentence is neither life imprisonment, nor death. Therefore, there is no justification for the police engaging in a shootout. Moreover, the police officials form a part of a professional and trained force. As such, it can be reasonably assumed that they possess the ability to arrest without causing death in the process. Allowing this act to go unchecked would effectively mean validating a death sentence, passed not in line with the due process of law, but by the law enforcement agency donning the role of the judge, jury and executioner. A two Judge bench of the Hon'ble Supreme Court in *Extra*



Judicial Execution Victim Families Association (EEVFAM) and others vs. Union of India and Others 2016 AIR SC 3400, speaking through Justice Madan B. Lokur, made the following observations:

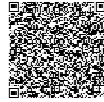
"120. In *Rohtash Kumar v. State of Haryana*, 2013(2) RCR (Criminal) 321 : 2013(2) Recent Apex Judgments (R.A.J.) 299 : (2013) 14 SCC 290 this Court cautioned against the use of retaliatory force even against a dreaded criminal. It was held:

"It also appears that he [the appellant] was declared absconder. But merely because a person is a dreaded criminal or a proclaimed offender, he cannot be killed in cold blood. The police must make an effort to arrest such accused. In a given case if a dreaded criminal launches a murderous attack on the police to prevent them from doing their duty, the police may have to retaliate and, in that retaliation, such a criminal may get killed. That could be a case of genuine encounter. But in the facts of this case, we are unable to draw such a conclusion."

121. Finally, reference may be made to *Darshan Singh v. State of Punjab*, 2010(1) RCR (Criminal) 751 : (2010) 2 SCC 333 wherein this Court held:

*"When there is real apprehension that the aggressor might cause death or grievous hurt, in that event the right of private defence of the defender could even extend to causing of death. A mere reasonable apprehension is enough to put the right of self-defence into operation, but it is also a settled position of law **that a right of self-defence is only a right to defend oneself and not to retaliate. It is not a right to take revenge.**"*

122. From the above, **it is abundantly clear that the right of self-defence or private defence falls in one basket and use of excessive force or retaliatory force falls in another basket . Therefore, while a victim of aggression has a right of private defence or self-defence (recognised by Sections 96 to 106 of the I.P.C.) if that victim exceeds the right of private defence or self-defence by using excessive force or retaliatory measures, he then becomes an aggressor and commits a punishable offence. Unfortunately occasionally, use of excessive force or retaliation leads to the death of the original aggressor. When the State uses such excessive or retaliatory force leading to death, it is referred to as an extra-judicial killing or an extra-judicial execution or as this Court put it in *People's Union for Civil Liberties v.***



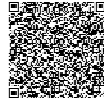
Union of India and another , 1997(2) RCR (Criminal) 161 : (1997) 3 SCC 433 it is called "administrative liquidation". Society and the courts obviously cannot and do not accept such a death caused by the State since it is destructive of the rule of law and plainly unconstitutional.” (emphasis added)

13. The Constitution of India, by virtue of Article 21, grants a fundamental right to life, which would undoubtedly include the right to live a dignified, safe and secure life. In the absence thereof, all other rights and privileges lose meaning. In that vein, a two Judge bench of the Hon’ble Supreme Court in ***Public Union for Civil Liberties vs. State of Maharashtra (2014) 10 SCC 635***, speaking through Justice R.M. Lodha, issued detailed guidelines to be followed in the matters of investigating the cases of death caused by the police, for thorough, effective and independent investigation:

“31. In light of the above discussion and having regard to the directions issued by the Bombay High Court, guidelines issued by NHRC, suggestions of the appellant - PUCL, amicus curiae and the affidavits filed by the Union of India, State Governments and the Union Territories, we think it appropriate to issue the following requirements to be followed in the matters of investigating police encounters in the cases of death as the standard procedure for thorough, effective and independent investigation :

*(1) Whenever the police is in **receipt of any intelligence or tip-off regarding criminal movements or activities pertaining to the commission of grave criminal offence, it shall be reduced into writing** in some form (preferably into case diary) or in some electronic form. Such recording need not reveal details of the suspect or the location to which the party is headed. If such intelligence or tip-off is received by a higher authority, the same may be noted in some form without revealing details of the suspect or the location.*

*(2) **If pursuant to the tip-off or receipt of any intelligence, as above, encounter takes place and firearm is used by the police party and as a result of that, death occurs, an FIR to that effect shall be registered and the same shall be forwarded to the court under Section 157 of the Code without any delay.** While*



forwarding the report under Section 157 of the Code, the procedure prescribed under Section 158 of the Code shall be followed.

(3) An independent investigation into the incident/encounter shall be conducted by the CID or police team of another police station under the supervision of a senior officer *(at least a level above the head of the police party engaged in the encounter). The team conducting inquiry/investigation shall, at a minimum, seek :*

(a) To identify the victim; colour photographs of the victim should be taken;

(b) To recover and preserve evidentiary material, including blood-stained earth, hair, fibers and threads, etc., related to the death;

(c) To identify scene witnesses with complete names, addresses and telephone numbers and obtain their statements (including the statements of police personnel involved) concerning the death;

(d) To determine the cause, manner, location (including preparation of rough sketch of topography of the scene and, if possible, photo/video of the scene and any physical evidence) and time of death as well as any pattern or practice that may have brought about the death;

(e) It must be ensured that intact fingerprints of deceased are sent for chemical analysis. Any other fingerprints should be located, developed, lifted and sent for chemical analysis;

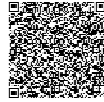
(f) Post-mortem must be conducted by two doctors in the District Hospital, one of them, as far as possible, should be Incharge/ Head of the District Hospital. Post-mortem shall be videographed and preserved;

(g) Any evidence of weapons, such as guns, projectiles, bullets and cartridge cases, should be taken and preserved. Wherever applicable, tests for gunshot residue and trace metal detection should be performed.

(h) The cause of death should be found out, whether it was natural death, accidental death, suicide or homicide.

(4) A Magisterial inquiry under Section 176 of the Code must invariably be held in all cases of death which occur in the course of police firing and a report thereof must be sent to Judicial Magistrate having jurisdiction under Section 190 of the Code.

(5) The involvement of NHRC is not necessary unless there is serious doubt about independent and impartial investigation. However, the information of the incident without any delay must



be sent to NHRC or the State Human Rights Commission, as the case may be.

(6) The injured criminal/victim should be provided medical aid and his/her statement recorded by the Magistrate or Medical Officer with certificate of fitness.

(7) It should be ensured that there is no delay in sending FIR, diary entries, panchnamas, sketch, etc., to the concerned Court.

(8) After full investigation into the incident, the report should be sent to the competent court under Section 173 of the Code. The trial, pursuant to the charge-sheet submitted by the Investigating Officer, must be concluded expeditiously.

(9) In the event of death, the next of kin of the alleged criminal/victim must be informed at the earliest.

(10) Six monthly statements of all cases where deaths have occurred in police firing must be sent to NHRC by DGPs. It must be ensured that the six monthly statements reach to NHRC by 15th day of January and July, respectively. The statements may be sent in the following format along with post mortem, inquest and, wherever available, the inquiry reports:

(i) Date and place of occurrence.

(ii) Police Station, District.

(iii) Circumstances leading to deaths:

(a) Self defence in encounter.

(b) In the course of dispersal of unlawful assembly.

(c) In the course of affecting arrest.

(iv) Brief facts of the incident.

(v) Criminal Case No.

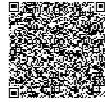
(vi) Investigating Agency.

(vii) Findings of the Magisterial Inquiry/Inquiry by Senior Officers:

(a) disclosing, in particular, names and designation of police officials, if found responsible for the death; and

(b) whether use of force was justified and action taken was lawful.

*(11) If on the conclusion of investigation the materials/evidence having come on **record show that death had occurred by use of firearm amounting to offence under the IPC, disciplinary action against such officer must be promptly initiated and he be placed under suspension.***



*(12) As regards compensation to be granted to the **dependants of the victim who suffered death in a police encounter, the scheme provided under Section 357-A of the Code must be applied.***

(13) The police officer(s) concerned must surrender his/her weapons for forensic and ballistic analysis, including any other material, as required by the investigating team, subject to the rights under Article 20 of the Constitution.

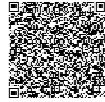
(14) An intimation about the incident must also be sent to the police officer's family and should the family need services of a lawyer/counselling, same must be offered.

*(15) **No out-of-turn promotion or instant gallantry rewards shall be bestowed on the concerned officers soon after the occurrence.** It must be ensured at all costs that such rewards are given/recommended only when the gallantry of the concerned officers is established beyond doubt.*

*(16) **If the family of the victim finds that the above procedure has not been followed or there exists a pattern of abuse or lack of independent investigation or impartiality by any of the functionaries as above mentioned, it may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident.** Upon such complaint being made, the concerned Sessions Judge shall look into the merits of the complaint and address the grievances raised therein.*

*32. **The above guidelines will also be applicable to grievous injury cases in police encounter, as far as possible.**" (emphasis added)*

14. Further, a two Judge bench of the Hon'ble Supreme Court in ***Prakash Kadam vs. Ramprasad Vishwanath Gupta, (2011) 6 SCC 189*** has categorically held that police officers cannot and should not be excused in the matters pertaining to extra-judicial killings, especially since they form a part of the law enforcement mechanism. In fact, it was further clarified that any orders by a superior to engage in the same must be refused. The following was opined:



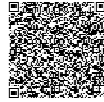
*“25. We are of the view that in cases where a fake encounter is proved against policemen in a trial, they must be given death sentence, treating it as the rarest of rare cases. **Fake 'encounters' are nothing but cold blooded, brutal murder by persons who are supposed to uphold the law.** In our opinion if crimes are committed by ordinary people, ordinary punishment should be given, but if the offence is committed by policemen much harsher punishment should be given to them because they do an act totally contrary to their duties.*

*26. We warn policemen that they will not be excused for committing murder in the name of 'encounter' on the pretext that they were carrying out the orders of their superior officers or politicians, however high. In the Nuremburg trials the Nazi war criminals took the plea that 'orders are orders', nevertheless they were hanged. **If a policeman is given an illegal order by any superior to do a fake 'encounter', it is his duty to refuse to carry out such illegal order, otherwise he will be charged for murder, and if found guilty sentenced to death. The 'encounter' philosophy is a criminal philosophy, and all policemen must know this.** Trigger happy policemen who think they can kill people in the name of 'encounter' and get away with it should know that the gallows await them.”*

15. However, Jobanpreet Singh was 22-year-old when he, admittedly, died as a result of police excess. The incident pertains to the year 2019 but the quest of the families of both the victims, still remains unfinished. As such, this Court is of the opinion that compensation deserves to be awarded to the affected parties, in view of the discussion above.

16. Accordingly, the abovementioned petitions are disposed of in the following terms:

(i) The State of Punjab is directed grant compensation of Rs. 5,00,000/- to Gurchet Singh, husband of the petitioner in CRM-M-23-2020, and Rs. 15,00,000/- to Amarjeet Kaur (petitioner in CWP-4430-2020), mother of the deceased-Jobanpreet Singh, as



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& 01 connected case**

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admittedly, a misfire from the police caused the alleged incident, within a period of 08 weeks from receipt of a certified copy of this order.

(ii) The petitioner in CRM-M-23-2020- Amandeep Kaur will be at liberty to seek alternate remedies for redressal of any surviving grievances.

17. A photocopy of this order be placed on the file of other connected case.

18. Pending miscellaneous application(s), if any, shall also stand disposed of.

19. Before parting with this order, this Court would like to express its gratitude to the learned *Amicus Curiae* for his significant assistance.

**(HARPREET SINGH BRAR)
JUDGE**

Reserved on : May 12, 2025
Pronounced on : May 20, 2025
manisha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>