

Supreme Court of India

Tirath Ram Saini vs State Of Punjab And Ors. on 8 February, 1994

Equivalent citations: 1994 (1) ALT Cri 623, 1994 (1) Crimes 546 SC, JT 1994 (1) SC 420, 1993 (4) SCALE 518, 1994 Supp (2) SCC 16, 1994 (1) UJ 327 SC

Bench: M Venkatachaliah, S Mohan

ORDER

1. This is a writ petition under Article 32 of the Constitution complaining of illegal detention and torture by the Punjab Police of Daljit Saini son of the petitioner and Om Prakash, husband of the petitioner's sister.

2. On 22nd September, 1993, upon motion the petition was taken on board and notices were issued to the respondents. Today when the matter was called one of the persons viz., Daljit Saini appeared before us. He submitted that both the persons so detained had been released on the 2nd October, 1993, at Pathankot. The statement of Daljit Saini was recorded. He is said to be a student of 10th standard class and was allegedly taken into custody on 9th August, 1993 and kept in illegal detention till 2nd October, 1993. In his statement before us he submitted that he was beaten and tortured during his detention and complains of some degree of incapacitation of his limbs and stated that he could not walk and stand steadily. It is, therefore, necessary to have Daljit Saini examined and medically treated at the All India Institute of Medical Sciences. We direct the Medical Superintendent, All India Institute of Medical Sciences, New Delhi, to medically examine Daljit Saini and afford him the requisite treatment as may be necessary. A report in this behalf shall be submitted to this Court within a week from today.

3. It is also necessary to direct the Delhi Administration and the Commissioner of Police, Delhi, to afford appropriate protection to Daljit Saini. Learned Advocate General, Punjab, who is before us assures us that Om Prakash, who is stated to have been released along with Daljit Saini would also be sent to the All India Institute of Medical Sciences for medical examination and treatment and that the members of the family of the petitioner would be afforded all protection by the State. We place this assurance on record.

4. Counter-affidavit shall be filed within two weeks from today. Copy of the counter-affidavit shall be served on the opposite side 3 days prior to the date of hearing.

5. A copy of this order shall go to the Medical Superintendent, All India Institute of Medical Sciences. A copy shall also be sent to the Commissioner of Police, Delhi, for appropriate and immediate action in the matter.

6. Call on 25th October, 1993.