

### **Observation of the Committee with regard to Registration / non-registration of cases of cognizable offences relating to October - November 1984 riots and their comments as regards improper, faulty and perfunctory investigation with reasons noticed therefore**

5.1. While examining the scrutiny reports prepared by the Superintendent of Police and duly checked by the D.I.G. (Police) attached to this Committee, the Committee was astounded and deeply perturbed to notice that in a very large number of riots cases registered at various Police Stations of Delhi, a novel pattern of registration / non-registration of cases with regard to Commission of cognizable offences had been evolved, viz., instead of registering a separate / distinct first information report with regard to each and every cognizable offence reported at the Police Stations by the aggrieved persons/ complainants, a general, vague and omnibus type of F.I.R. was recorded at the concerned Police Station on the basis of a vague report couched in general terms and signed by some police official say S.H.O. or Sub-Inspector or even Assistant Sub-Inspector of Police to the effect that during his visit to a particular locality falling within the jurisdiction of his Police Station he noticed that the law & order situation was worsening and that violent mobs duly armed with lathis, spears etc., were attacking and the business establishments / residential houses of the Sikhs and were indulging in loot and arson of their property and even committing murders of Sikhs in the locality. On the basis of such reports which were bereft of any details or particulars about any specific incident of murder, loot or arson, an omnibus F.I.R. was registered and all other subsequent reports of individual or separate incidents lodged by the aggrieved persons/complainants were linked with that omnibus F.I.R. with the result that the circumstances attending upon each and every such incident, heinous crime or gruesome murder were not incorporated in any duly registered first information report; instead such cases were linked with the omnibus F.I.R. for purpose of investigation by examining the aggrieved persons/ complainants under Section 161 Cr. P. C.

5.2. Section 154 Cr. P. C. mandates that every information relating to the Commission of cognizable offence, whether given in writing or

orally, shall be reduced to writing and shall be signed by the person giving the same. It further requires that the substance of the same shall be entered in a book to be kept by the concerned police officer in a prescribed form.

5.3. The importance of the first information report as has been pointed out by the various High Courts as well apex Court, lies in the fact that it is the most immediate first version of incident and has great value in ascertaining the truth. It is not a piece of substantive evidence but it is nevertheless of immense importance as it furnishes in writing the earliest information regarding the occurrence and can be used before there is time for distortion or embellishment to corroborate or contradict its maker under Section 157 or 145 of the Evidence Act as the case may be. It is equally well settled law that once the investigation of the case starts, any subsequent / further statement of a witness will fall under Section 161 Cr. P. C. and will be inadmissible in evidence except for the purpose of contradicting the witness when examined in Court. In a large number of cases relating to the loot and arson of the properties of the Sikhs and gruesome murders of the Sikhs who had been burnt alive in a large number of cases at the hands of the violent mob, this rather ingenious procedure which is obviously not merely irregular but even illegal was resorted to by the concerned police officers with the result that at the stage of trial no corroborative evidence to the deposition of the witness was available which could have been available had a proper F.I.R. been recorded. The Courts were thus deprived of valuable material, which could undoubtedly be of great help in ascertaining the veracity of deposition of the first informant. The non-registration of F.I.Rs as provided for in Section 154 Cr. P. C. thus undermined the very foundation of the prosecution cases. Hence, a large number of cases in which the charge-sheets were filed in Court ended in acquittal mainly because of this serious lacuna and intrinsic infirmity in the investigation. The Committee will presently advert to the observations made by various Courts in this behalf.

5.4. The Committee was also distressed to notice that apart from the above mentioned illegality / infraction of statutory provision committed by the local police of various riot-affected Police Stations, the investigation carried out was itself absolutely casual, perfunctory and faulty. For instance, somehow a practice grew up with the Investigating Officers to examine only complainant, widow or son or

father of the deceased as the case may be, under Section 161 Cr. P. C. The Statements so recorded were laconic, cryptic and sketchy running over just three or four lines barely covering the narration of the incident. In most of the cases such statements would end up with the concluding sentence that the maker of the statement was not able to identify anyone from amongst the culprits / mob. The Investigating Officer would thus make a short shrift of the matter and throttle the grievance of victim of violence regarding murder of kith & kin or loot and arson of his / her property as the case may be at the very threshold.

5.5. Since a number of incidents of mob violence took place on a particular day in a particular locality at about the same time during 31<sup>st</sup> October, 1984 to 4<sup>th</sup> November, 1984 only it should have been possible for the local police to co-relate the various incidents and find out corroborative evidence but nothing of the kind was done and the solitary witness to the crime even when a charge sheet was filed in the Court would by and large be the complainant alone irrespective of whether he / she had witnessed the occurrence. Indeed the whole investigation was done in such a perfunctory, casual and mechanical manner that no attempts were made even to find out the ocular witnesses to the occurrence, if any, much less corroborative evidence in any shape or form. To crown all, no attempts were made to examine even the family members of the deceased, other than the complainant, inmates of the house and neighbours of the deceased. No attempt was made to ascertain even from the complainant if he or she had witnessed any other killing or incident of loot or arson. Such was the colossal indifference towards loss of human life and properties of Sikhs. Even Hindus who incidentally suffered in loss of life or property during the riots were no exception, so far as investigation of their grievance was concerned.

5.6. The Committee was equally concerned to notice that in most of the cases of mob violence, no attempts were made to trace out the culprits and effect recovery of weapons of offence or stolen / looted property. Strangely enough, in some cases even announcements were made by intimating the culprits to deposit the looted property quietly on the road-side and they would not be harmed. Such property was later taken to the Police Stations and restored to the concerned claimants. The Courts have deprecated such poor investigation and resort to

such methods on the ground that in law such recoveries had no evidential value. It was pointed out that no disclosure statements of the accused under Section 27 of the Evidence Act were recorded, no independent witnesses, other than the local police officials were even joined to witness such recoveries. In quite a large number of cases the Courts have observed that such recoveries had been planted on the accused persons whose names were collected long after the happening of the incidents for reasons best known to the police.

5.7. It may be pertinent to mention here that in a large number of cases the grievance of the deponents is that written reports of the incidents lodged by them were not recorded by the police officers on duty even in respect of heinous crime and gruesome murders when the names of the culprits were mentioned therein and still worse if the names of the culprits included some police officials, influential persons of the town or political big-wigs. Such allegations were repeated by the deponents when examined by the Committee for eliciting some clarification or confirmation of the affidavit.

5.8. Yet another malpractice, which came to light was that kind of format had been prepared at some police stations for the aggrieved persons to submit their complaints. The form contained various columns, including names and addresses of the complainants, the damage to the persons, the kind and description of the looted / burnt properties and the quantum of loss suffered by them etc. Unfortunately, however, there was no column therein under which the complainant could write the facts attending on the incidents of murder, the name of the deceased and the names of the culprits if any known to them. Such pieces of information when produced in Court were bound to recoil on the prosecution on the ground that the same were bereft of the details of the incident, the names of the witnesses and the names of the accused persons, if any. Evidently this illegal procedure caused incalculable harm to the aggrieved persons / complainants and many a murder was not even reported to the police. A copy of such a format is annexed as Annexure '2' of the Report.

5.9. The Committee also noticed with deep concern that in a large number of cases the incidents reported by the aggrieved persons were not reflected in the charge-sheets even though such aggrieved persons had been examined under Section 161 Cr. P. C. and were cited as Prosecution Witnesses with the result that no distinct /

separate charges were framed by the Court in respect of each and every offence as required by the provisions contained in Section 212 and 218 Cr. P. C. The charge-sheets filed in Court were mostly couched in general terms without specifically referring to particular incidents. Under Section 218 Cr. P. C., for every distinct offence of which a person is accused there has to be a separate charge and every such charge has to be tried separately. Of course, the Code has provided that certain charges may be framed and tried together under certain contingencies. In other words, in certain cases the Court permits the joinder of charges and those contingencies contemplated by the Code are given in Section 219, 220, 221 & 223 Cr. P. C. Section 211 & 217 deal with the form of charges while Sections 219 to 224 deal with the joinder of charges and they must be read together and not in isolation. The general principle under Section 218 with regard to there being a separate charge and separate trial in respect of each distinct offence of which any person is accused is mandatory. The other provisions relating to joinder of charges are merely discretionary and empower the Court to allow joinder of charges and try them together keeping in view the provisions mentioned above.

5.10. Section 223 Cr. P. C. is the only provision, which permits several accused persons to be charged and tried together under certain circumstances where accusation prima-facie justifies a joint trial of more persons than one. It enables joint trial of several accused persons when persons are accused of the same offences committed in the course of the same transaction or even persons accused of different offences committed in the course of the same transaction. Section 223 is merely an enabling provision and its object to avoid multiplicity of trials under certain contingencies. However, the Committee was astounded to notice that in a large number of charge-sheets filed in Court several accused persons numbering even 100 and more were arraigned to stand trial together even though allegations against them or some of them were totally distinct and the offences were not co-related to each other in the sense that they did not form part of the same transaction or series of transactions. The obvious result was that such cases ended in acquittal of the accused persons due to utter confusion caused by the indiscriminate mixing of charges and want of marshalling the evidence.

5.11. Still worse it was noticed that although a large number of Prosecution Witnesses had been cited in the list attached to the

charge sheet, only a few of them were actually examined at the trial on some pretext or the other. In quite a large number of cases even the solitary ocular witnesses were not examined even though a number of adjournments had been granted by the Court on the pretext that they were not traceable with the result that they inevitably culminated in acquittal. It may be pertinent to mention here that several such witnesses who happened to be widows etc., of the deceased could be successfully traced out by the concerned staff of the Committee for examination by the Committee.

5.12. The last but not the least the Committee records with a sense of deep anguish that the cases of loot and arson committed by the riotous mobs on a large scale resulting in immense damage to and loss of the business establishments, vehicles and other valuable assets of the Sikhs were by and large shelved in cold storage and no heed was paid or concern shown by the Investigating Officers of various Police Stations to probe such cases except recording the laconic and cryptic statements under Section 161 Cr. P. C. of the aggrieved persons/ complainants. Type page 58 till end of para 5 – 12 here.

5.13. The Committee although of the opinion that fresh cases ought to be got registered and duly investigated, in cases of virtually no investigation took a rather pragmatic and realistic view of the matter and thought that no useful purpose may be served in getting such cases registered and investigated now after lapse of nearly eight years of the events. If the Investigating Officer lacked the necessary will and sense of duty/propriety to discharge their duty at the appropriate time when the investigation could have yielded desired result, it would be just an exercise in futility to expect the police officers to do such a Herculean task and achieve the desired results after lapse of eight years when vital clues/evidence would/might have vanished and recovery of looted property would be highly improbable. Hence the Committee was constrained not to recommend any action in such cases except bringing the same to the notice of the Lt. Governor, National Capital Territory of Delhi, for taking such disciplinary action against the delinquent police officials for serious lapses and dereliction of duty on their part as he deemed fit.

5.14. The Committee assumes, and justifiably so, that police officers of the level of Station House Officers, Inspectors of Police and

Sub-Inspectors of Police attached to the Police Station who had lot of experience of investigating intricate and complex criminal cases relating to heinous crimes, like dacoities and gruesome murders etc., must be conversant with the various provisions embodied in Code of Criminal Procedure etc. having bearing on the concept and requirements of investigation of criminal cases/heinous crimes. The Committee is, therefore, of the view, that had the S.H.Os., Inspectors of Police and other senior police officers attached to a Police Station supervised and guided the investigation of the riot cases, there would have been hardly any scope for acts of omission and Commission of the colossal magnitude as brought about by the Committee. Even the Deputy Commissioners of Police and Assistant Commissioners of Police owed it to the mass of humanity who had suffered immensely at the hands of the violent and unruly mobs that the investigation and probe into their grievances was properly conducted and the guilty brought to book. The case diaries etc., which have come to the notice of the Committee, however, belie our expectation and an impression is created that even some senior Police officers simply abdicated their responsibility and control over investigation of riots cases. It was their bounded duty to ensure that there was proper and meticulous investigation into the same in accordance with the various provisions of law on the subject. The Committee wish and hope that the senior and experienced Police Officers will acquit themselves in a highly responsible and conscientious manner should any such eventuality, God forbid, arise in future.

5.15. In the following pages the Committee has adverted to some such cases rather briefly to high-light and illustrate the serious and grave lapses and dereliction of duty on the part of some Police Officers who failed to perform their statutory duty of proper and fair investigation, rather they simply tried to hush up the cases by examining only the complainants without any attempt to find corroborative evidence and co-relate the statements of various complainants even though the incidents had taken place at about the same time, place and date as noticed above.

5.16. Following are the illustrative cases high-lighting the irregularities, illegalities committed by the local police of various Police Stations during the course of investigation of various riots cases which will show very casual and perfunctory nature of investigation: -

- A-1 File No 572/96/95 JPRC/SP/90 Sh. Harjit Singh s/o  
Sh Charan Singh
- A-2 File No. 22/48/JJC/87/JPRC/SP/90/ Sh. Paramjit Singh s/o  
Gurbachan Singh
- A-3 File No. 23/90/ JJC/87/JPRC/SP/90/ Dr. Dalbir Singh Saluja  
& 4 other connected cases.

FIR No. 369/84 dated the 1<sup>st</sup> November, 1984 Police Station Srinivaspuri, New Delhi furnishes a glaring example of how faulty, illegal and slipshod was the procedure adopted by Srinivaspuri Police in the registration and investigation of riots cases pertaining to the area falling under their jurisdiction. It also provides an insight into very casual, perfunctory and defective investigation conducted by Srinivaspuri Police into various cases reported to it by the aggrieved parties/victims of the riots.

The aforesaid F.I.R. was registered at Police Station Srinivaspuri towards the Commission of offences under Sections 147, 148, 149, 395, 435, 436 427 & 295 I.P.C. on the basis of an omnibus report of a general nature lodged by Sub-Inspector Ved Prakash stating that large scale looting and burning of the properties of Sikhs was taking place in the area. However, no specific incidents of loot and arson were mentioned in the F.I.R. All the complaints/reports received from various aggrieved persons/victims of violence received by Srinivaspuri Police were tagged to this F.I.R. instead of recording any F.I.R. in respect of specific allegations contained in the reports and the various complainant/aggrieved persons were later on examined under Section 161 Cr.P.C. i.e. during the course of investigation of the case F.I.R. No. 369/84, the total number of such cases being 32 (thirty-two) as per list of the recommendations made by this Committee in the abovementioned cases (See Annexure '3' of the Report).

The Committee was perturbed to notice that even though the F.I.R. had been registered towards Commission of various offences under the Indian Penal Code as stated above, only 7 (seven) charge-sheets were eventually filed by the Srinivaspuri Police in court and that too under Section 412 I.P.C. by showing that some stolen articles have been recovered from the accused persons. No charge was



framed under sections 147, 148, 149, 395 & 437 I.P.C. even though the report on which the said F.I.R. is based emanated from Sub-Inspector Ved Prakash. The gist of 7 (seven) charge sheets is also attached with the above mentioned Annexure (File No. 3/242/JJC/87/JPRC/SP/90). All the aforesaid charge-sheets ended in acquittal. Although a large number of Prosecution Witnesses had been cited yet only a few of them were actually examined.

A perusal of the judgements in the aforesaid charge-sheets would show that all the cases culminated in acquittal primarily on two grounds (i) that the identification of the accused persons by the Prosecution Witnesses was done at the Police Station and there being no judicial identification, no value could be attached to their evidence in identifying the accused persons in Court, (ii) that either no stolen property was recovered in such cases or no property was duly identified by the Prosecution Witnesses and seized as per procedure and (iii) that the F.I.R. did not contain details of the incidents in respect of which charge-sheets had been filed and as such it was of no avail to the prosecution.

It was further noticed that in several cases no investigation was done except recording the statements of the complainant under Section 161 Cr.P.C. In other words the accused persons were not traced out and connected with the looted property. Even the nature of looted property was not established. While some of the complainant were cited as Prosecution Witnesses, they were not examined at the trial. Quite a large number of complaints were not reflected in any of the charges filed in the Court.

In File No. 572/96/85/JPRC/SP/90, although the deponent Harjit Singh son of Charan Singh, Tailor Master resident of 13-Private Colony, Srinivaspuri, New Delhi had cited even his two Hindu tenants as witnesses to the occurrence, they were not examined either under Section 161 Cr.P.C. or at the trial and only one son of the deponent namely Arjan Singh was examined. Since he was not present at the time of occurrence, he could not name or identify any of the culprits. The said case was not covered by any of the charge-sheets.

It may be pertinent to notice here that the number of cases of this type in which the local police did not record any separate F.I.R. in respect of the specific incidents of violence, loot, arson and murders

etc. but they were tagged on to an omnibus F.I.R. registered on the basis of a report of a local police officer which was quite vague and general in nature runs into hundreds as pointed out by the Committee in separate recommendations sent to the Lt. Governor, National Capital Territory of Delhi. Such omnibus F.I.Rs. simply narrated the worsening law & order situation on account of eruption of violent riots in Delhi in the wake of the assassination of late Prime Minister of India, Shrimati Indira Gandhi but did not specify separate incidents or the members of the riotous mobs indulging in such violence, loot, arson and killing of the male Sikhs. With few exceptions, no miscreants were apprehended on the spot even though the violent incidents occurred under the very nose of police.

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B-1 File No. 90/169/JJC/87/JPRC/SP/90/ and 8 connected cases

The grievance of the deponents Sh. Beant Singh son of Sh. Nand Singh resident of A-14, Church Lane, Bhogal and others were that their trucks bearing registration No. DLL-9211, DHG-8224, DLL-3013 etc., had been burnt by the rioters on 1st November, 1984 and in consequence they suffered huge losses. The complaints of some of them also were that their business establishments had been looted and burnt. Most of them have alleged that the looting and burning of their vehicles and establishments went under the very nose of Sub-Inspector Shakti Singh who was Incharge Police Post Jangpura.

The scrutiny of the above cases revealed that most of the deponents had been examined by the Investigating Officer Sub-Inspector Shakti Singh under Section 161 Cr.P.C. However, no recoveries were effected in their cases. A charge-sheet was filed in Court in F.I.R. No. 412/84 on 12<sup>th</sup> March, 1985 against 8 (eight) accused persons and as many as 231 Prosecution Witnesses had been cited. Some of the deponents too were cited as Prosecution Witnesses. Eventually, however, the case ended in acquittal vide Judgement dated 30<sup>th</sup> November, 1991 of Sh. S.S. Bal, Additional Session Judge, Delhi.

A perusal of the Judgement dated 30<sup>th</sup> November, 1991 of Sh. S.S. Bal, Additional Sessions Judge, Delhi, makes astounding

revelations. It would appear that about of 231 Prosecution Witnesses cited in the charge-sheet as many as 88 Prosecution Witnesses were examined at the trial. The learned Additional Sessions Judge, Delhi has observed that barring Prosecution Witnesses 5, 6, 27, 28 & 88, the evidence of the rest of the witnesses was not at all material because they had simply stated that their respective vehicles and establishments etc., were looted and burnt in their absence and they could not identify any of the accused persons. It would indeed appear that the cases of about 200 complainant/aggrieved persons who were victims of the riots had been clubbed with the F.I.R. No. 412/84 although only 88 out of 231 Prosecution Witnesses examined.

Gurcharan Singh Prosecution Witness 6 was one of the owners of M/s. Texla TV Centre, situated at Plot No. 6, Mathura Road, New Delhi, which had been looted and burnt in the riots. Some TV parts etc. were alleged to have been recovered from some of the accused persons, in the presence of Gurcharan Singh and some other witnesses of recovery who were mostly police officials. However, their evidence was found to be wanting to bring home the guilt to the accused and therefore they were eventually acquitted.

The testimony of Prosecution Witness 88 viz., Sub Inspector Shakti Singh who was Investigating Officer and was the author of the F.I.R. No. 412/84 (Supra) makes an interesting reading. According to him he was patrolling the area when a crowd of 1400 to 1500 persons strong armed with lathis etc., came there and started setting the trucks and establishments of Sikhs on fire at about 2.00 P.M. when they i.e. Sub-Inspector Shakti Singh etc., were on Church Lane, Bhogal. He further stated that the two groups, one of Sikhs and the other of non-Sikhs were about to clash with each other but the police fired 13 (thirteen) rounds to disperse them. He even saw some of the accused persons named by him as being members of the unlawful assembly and present at Texla TV Centre. However, they managed to escape and could not be arrested.

The foregoing facts do support to a great extent the grievance of the deponents in the nine cases that the looting and burning of their vehicles and shops etc., took place under the very nose of Sub-Inspector Shakti Singh and they were ready to confront the riotous mob to protect their vehicles and shops etc. but for the intervention of Sub-Inspector Shakti Singh. The Committee thinks that while the act of

Sub-Inspector Shakti Singh in preventing the clash between the two groups was quite praise-worthy, his total failure to save the properties of the Sikhs from being looted and burnt at the hands of the mob must be deprecated. It does not stand to reason that while he was able to suppress the Sikh owners of the vehicles and shops, which were under attack by the mob why he could not firmly handle the situation and save the vehicles and other properties of the Sikh from loot and arson. It is further deplorable that barring one or two stray cases no efforts seem to have been made to effect recoveries of the looted properties and send up the miscreants for trial in a Court of law. That besides, the very act of the clubbing nearly 200 cases in one F.I.R. is totally illegal, being violative of provisions of Cr. P.C. adverted to above. It is no wonder that in the absence of any follow-up action by Sub-Inspector Shakti Singh, the evidence of most of the witnesses who happened to be owners of the vehicles and business establishments and had simply deposed that their vehicles and the shops etc. had been looted and burnt was of no value in bringing home the guilt to the accused persons. It bears repetition that only the case of loot and burning of the business establishment "Texla TV Centre" was apparently investigated although the investigation suffered from may a lacuna as pointed out by the Court. In the above cases, too, even though the investigation conducted was found to be faulty, casual and perfunctory, no further investigation or registration of fresh cases where the deponents had not even been examined as witnesses at the trial, was recommended taking a pragmatic and realistic view of the matter that such a course may just be an exercise in futility in view of the fact that eight long years had elapsed since then and the deponents were not in a position to name or identify any of the culprits. However, all such cases were directed to be brought to the notice of Lt. Governor, National Capital Territory of Delhi for taking such disciplinary action as the Lt. Governor may deem fit against the delinquent police officials for serious dereliction of duty.

B-2- File N. 453/2381/85/JPRC/SP/90

B-3- File N. 363/2429/85/JPRC/SP/90

B-4- File N. 4/2432/85/JPRC/SP/90

All the three deponents namely; Sh. Balbir singh son of Sh. Charat Singh resident of 58-Church Road, Bhogal, New Delhi, Sh. Kanwar Jeet Singh son of Sh. Kehar Singh resident of 32-Church Road, Bhogal, New Delhi and Sh. J.S. Gandhi son of Sh. Lochan

Singh resident of 43-Masjid Road, Bhogal, New Delhi filed their respective affidavits before Justice Ranganath Misra Commission of Inquiry in September, 1985. The allegations made by Sh. Kanwar Jeet Singh in brief are that on 1<sup>st</sup> November, 1984 a violent mob raising provocative slogans against Sikhs came to their locality and started setting the trucks, belonging to the Sikhs, on fire near Lahorian-Di-Hatti Chowk. He saw Hari Chand Saini and Vijay Chaudhary amongst the mob as they were leading the mob. Some members of the Sikh community also reached there to wards off the attack. However, in the meantime Sub-Inspector Shakti Singh arrived there along with some policemen and asked the Sikhs to go to their homes. He also fired shots from his revolver to scare them away. There upon Sikhs went to their homes but the mob set some vehicles on fire. On 2<sup>nd</sup> November, 1984 again the mob attacked and set the trucks belonging to Sikhs, parked near Gurdwara, on fire. However, the police did not allow the Sikhs to go near trucks to defend themselves. The same thing was repeated on 3<sup>rd</sup> November, 1984 when some shops were looted and set on fire.

Almost similar allegations have been made by Sh. J.S. Gandhi, deponent. Balbir Singh, deponent has narrated the same story but without naming Hari Chand Saini and Vijay Chaudhary.

The scrutiny reports revealed startling facts. It was noticed that initially the complaints of all the three deponents were linked with FIR No. 412/84 of Police Station Nizamuddin (Supra.). All three of them were examined by the Investigating Officer during the course of investigation of case F.I.R. No. 412/84 dated the 1<sup>st</sup> November, 1984 on different dates under section 161 Cr. P.C. However, while their statements referred to the looting and burning of their respective trucks shops etc. none of them mentioned the names or identified any of the culprits. It was quite surprising to notice that the case diary of F.I.R. No. 412/84 also contained statements under section 161 Cr. P.C of Hari Chand Saini and Vijay Chaudhary dated 3<sup>rd</sup> November, 1984 and 14<sup>th</sup> November, 1984 about the burning of their trucks and shops by the rioters on 1<sup>st</sup> November, 1984. All the three deponents as well as Hari Chand Saini and Vijay Chaudhary were, therefore, cited as Prosecution Witnesses in the charge sheet filed in case FIR No, 412/84. However, none of them was examined at the trial and as

noticed above the said case culminated in acquittal of all the accused persons.

In the meantime, however, a fresh case F.I.R. No. 44/87 was registered on 18<sup>th</sup> February, 1987 under Sections 147, 148, 341, 342, 427, & 436 I.P.C. on the basis of written report made by Sub-Inspector Ishwar Singh of Crime Branch, Delhi that Vijay Chaudhary, Youth Congress (I) worker (listed as Prosecution Witness in F.I.R. No. 412/84) had been identified by five persons including the three deponents mentioned above, as being amongst the mob which had indulged in loot and arson of properties of Sikhs on 1st November, 1984. Likewise, the name of Hari Chand Saini was also included in the said F.I.R. No. 44/87. During the course of investigation thereof all the deponents were examined under Section 161 Cr.P.C. on different dates and while narrating the incidents of violent attack by the mob Balbir Singh, Kanwar Jeet Singh stated that they did not know any of the rioters but J.S. Gandhi did state that Vijay Chaudhary and Hari Chand Saini were present in the mob during riots. Another startling fact which came to light was that investigation of the said case was kept in abeyance from 18<sup>th</sup> December, 1987 to 15<sup>th</sup> November, 1989 as per orders of senior officers of Delhi Police and the last case diary made available to the Committee, showed that the case was still under investigation. So the remaining case diaries were requisitioned from Delhi Police i.e. onward to Case Diary No. 36 dated the 17<sup>th</sup> July, 1990. From perusal thereof it transpired that Balbir Singh and J.S. Gandhi, deponents were again examined by the Investigating Officer on 24<sup>th</sup> September, 1990 and 16<sup>th</sup> October, 1990 respectively when they simply stated that they could not identify anyone from the mob. J.S. Gandhi further stated that he had heard that the mob was led by Vijay Chaudhary and Hari Chand Saini, Congress (I) workers. The case was eventually closed as un-traced on 14<sup>th</sup> August, 1991. It is pertinent to mention here that the investigation had been entrusted to the Crime Branch before it was closed as un-traced.

The Committee suspects that subsequent case diaries were manouvered to give a decent burial to the case F.I.R. No. 44/87 under pressure of some influential elements. It may well be that the deponents were got at and subdued by some influential persons and the police lacked the will to charge-sheet S/Sh. Vijay Chaudhary and Hari Chand Saini. Anyhow, the whole matter is shrouded in mystery

and it is for the Lt. Governor, National Capital Territory of Delhi, to get it unravelled or not, as he may deem fit.

Copies of the case diaries No. 12 dated the 18<sup>th</sup> December, 1987, No. 14 dated the 28<sup>th</sup> November, 1988, No 16 dated the 2<sup>nd</sup> March, 1988, No. 19 dated the 30<sup>th</sup> July, 1988, No. 22 dated the 3<sup>rd</sup> December, 1988, No. 27 dated the 18<sup>th</sup> June, 1989, No. 36 dated the 17<sup>th</sup> July, 1990 and copies of the statements dated the 24<sup>th</sup> September, 1990 and 16<sup>th</sup> October, 1990 of Sh. Balbir Singh and Sh. J.S. Gandhi deponents respectively are annexed at Annexure '4' of the Report.

The foregoing facts reinforce the view expressed by the Committee earlier that there has been distortion, twisting and even fabrication of statements recorded under Section 161 Cr.P.C. in many riot cases of 1984.

B-5- File No. 36/22-A/JJC/87/JPRC/SP/90/

B-6- File No. 544/2484/85/JPRC/SP/90/

The abovementioned two cases reveal the same pattern of faulty, perfunctory and casual investigation on the part of that the police. The grievance of the deponents Ranjit Singh Chadha and Prithvi Singh was that their shops had been looted and burnt by the rioters. They lodged a report with the police but there was virtually no investigation.

The scrutiny of the police record revealed that both the deponents were examined under Section 161 Cr.P.C. in the case F.I.R. No. 415/84 dated the 3<sup>rd</sup> November, 1984 of Police Station Jangpura and a charge-sheet was eventually filed by the local police against 17 (seventeen) accused persons. However, the same ended in acquittal vide judgement dated the 30<sup>th</sup> September of Sh. J. D. Kapur, Additional Sessions Judge, Delhi. A perusal of the said judgement would show that as many as 34 (thirty-four) witnesses were cited in the charge-sheet but only 22 (twenty-two) of them were examined at the trial. The deponents were however, not examined in the Court.

The learned Additional Sessions Judge, Delhi has noticed some very serious flaws and short-comings in the investigation of the case which was more of an eye-wash than real investigation as per procedure laid down by law. Some of the Prosecution Witnesses were owners of the shops which had been looted and burnt and they all lodged reports with the police on the next following day of occurrence. However, neither any goods were recovered in their presence nor the disclosure statements of any accused were recorded in their presence, nor did they see any of the culprits breaking open their shops or looting away their goods or burning their trucks. The deponents although not examined at the trial, were unaware of the culprits like other Prosecution Witnesses. The learned Additional Sessions Judge, Delhi has rightly observed that their statements were laconic and were only meant to prove the stolen articles found with some of the accused person were those in which the aforesaid witnesses were dealing. It was further noticed that Constable Nirmal Singh was the only witness to the recovery of stolen property from the various accused persons. The learned Additional Sessions Judge, Delhi observed that the owners of the said articles were not contacted either before the recovery of the articles nor were they called to identify those articles at the spot. However, they were later on called at the Police Station and shown the articles recovered from various accused persons which they claimed as belonging to them. Significantly the testimony of the said witness about the recovery of the articles from the houses of the above accused persons remained uncorroborated even though he had accompanied Sub-Inspector Hans Raj and Head Constable Raghurib Singh when the recovery of stolen property was allegedly made. The trial Court further pointed out that the recovered property was not sealed at the spot nor any independent or public witness was joined as a witness of recovery or asked to sign recovery memos. Hence, no reliance could be placed on the police witnesses. Since these articles were easily available in the market, no inference could be drawn regarding the same being stolen property. Court has further pointed out that the recoveries had not been effected pursuant to any disclosure statements under Section 27 of the Evidence Act so as to lend assurance about the complicity of the accused persons in the Commission of crime. These and many other short-comings pointed out by the Additional Sessions Judge, speak volumes for the inefficient and faulty handling of the investigation by the concerned Investigating Officer. In the absence of any legal evidence to connect the accused persons with the Commission of crime, acquittal was the only course



left. It is noteworthy that the charge-sheet did not cover the case of the deponents as such nor were they examined as Prosecution Witnesses at the trial.

This case too was brought to the notice of the Lt. Governor, National Capital Territory of Delhi, for taking such disciplinary action against the delinquent police officials as he may deem fit. A copy of the judgement dated the 30<sup>th</sup> September, 1989 of the learned Additional Sessions Judge, Delhi is annexed to the Report at Annexure '5'.

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C-1- File No. 288/2682/85/JPRC/SP/90

C-2- File No. 545/2581/85/JPRC/SP/90

These two files relate to the affidavits, one by Madan Singh Chawla and the other by Mohinder Singh Chawla both of whom are real brothers and were residing at Lajpat Nagar at the relevant time. In the separate affidavits filed by them they have alleged that their respective houses and shops had been looted and burnt by the violent mobs on 1st November, 1984 but nothing was done by the local police despite a complaint having been duly lodged at the concerned Police Stations.

The scrutiny of the police records revealed that the incident of loot and burning of their house had been linked with the case F.I.R. No. 689/84 dated the 1st November, 1984 registered at Police Station Lajpat Nagar towards the Commission of offences under sections 147, 148, 149, 435, 436, 395 & 295 I.P.C. on the basis of an omnibus report made by Sub-Inspector Ved Prakash with regard to the violent mobs looting and burning the Gurudwars and shops etc., of the Sikhs in the area. It is significant to note that no separate F.I.R. was recorded on the basis of the report lodged by Madan Singh Chawla and his brother Mohinder Singh Chawla.

Madan Singh Chawla was examined during the course of the investigation of the aforesaid case on 4<sup>th</sup> November, 1984 and 12<sup>th</sup> November, 1984. On the second day he repeated his complaint and

furnished details of the looted goods. Mohinder Singh Chawla too was examined under Section 161 Cr.P.C. on 8<sup>th</sup> November, 1984. Not only that, Manjit Singh Chawla and Jagmohan Singh Chawla who are apparently brothers of the deponents abovenamed were also examined in the course of investigation of the case F.I.R. No. 689/84 on 8<sup>th</sup> November, 1984.

A charge-sheet was eventually filed by Lajpat Nagar Police in Court on 14<sup>th</sup> March, 1985. However, the charge-sheet neither covered the incidents narrated by both the deponents nor were they cited as Prosecution Witnesses in support of the charge-sheet. Even their brothers Manjit Singh Chawla and Jagmohan Singh Chawla were not cited as Prosecution Witnesses.

It is thus crystal clear that apart from examining the deponents under Section 161 Cr.P.C. the local police did precious little to investigate the case further. It may be that the deponents were not able to identify or name any of the culprits during their examination under Section 161 Cr.P.C. However, the Committee feels that their inability to identify any of the culprits did not absolve the Investigating Officer from discharging his statutory duty of conducting a fair and proper investigations, especially when the offences were committed in broad day light by several persons.

Normally the Committee would have recommended registration of a fresh case and investigation thereof by an independent agency but keeping in view that eight long years have elapsed, it considered that no useful purpose was likely to be served by adopting that course at this late stage especially when the deponents were not in a position to identify any of the culprits. Needless to say that taking this pragmatic and realistic approach to the matter would not in any way dilute the delinquency/derelection of duty on the part of the local police. Hence the case was brought to the notice of the Lt. Governor, National Capital Territory of Delhi to take such disciplinary action against delinquent police officials as he deemed fit.

As regards the second incident of looting and burning of the shop of the deponent Madan Singh Chawla located at Prithvi Raj Market and styled as "Chawla Auto Stores" the same has been linked to case F.I.R. No. 242/84 registered at Police Station Tughlak Road. In

that case too, the deponent Madan Singh Chawla was examined on 5<sup>th</sup> November 1984 and again on 8<sup>th</sup> November, 1984 under Section 161 Cr.P.C. A charge-sheet was filed in that case against three accused persons, namely, Raj Kumar, Rakesh Kumar and one person of Nepali origin on 15<sup>th</sup> January, 1985 under Section 411 I.P.C. only (Nothing about unlawful assembly, rioting, loot and arson). While Janak Bahadur Nepali pleaded guilty to the charge on 7<sup>th</sup> June, 1985 and was convicted of an offence under Section 411 I.P.C., he was sentenced to imprisonment for the period already undergone while in judicial custody. As for the other two accused persons, namely Raj Kumar and Rakesh Kumar, they were eventually acquitted by the Court of Ms. Sangita Dhingra, Metropolitan Magistrate vide her judgement dated the 16<sup>th</sup> November, 1989.

It is pertinent to notice that the Court of Metropolitan Magistrate passed strictures about the casual and perfunctory nature of the investigation conducted by the Investigating Officer (Sub-Inspector Kanwar Lal, Prosecution Witness-‘9’). The Court pointed out that the Investigating Officer did not get the articles (motor parts) recovered from the accused persons duly identified by the complainant or by any other witness. Further the goods so recovered were not sealed at the time of seizure. The Court also took notice of the fact that even though according to the complainant (Prosecution Witness-‘2’) he had lodged a written complaint but the same was not on record and such the stolen nature of the articles recovered from the accused persons was not established. It is thus obvious that the acquittal of the accused persons was almost writ large in view of the serious lapses on the part of the local police. This case too was, therefore, directed to be brought to the notice of the Lt. Governor, National Capital Territory of Delhi, for taking such disciplinary action against the delinquent police officials as he may deem fit.

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D-1 – File No. 30/2482/85/JPRC/SP/90/

This file relates to an affidavit filed by Smt. Nirmal Kaur widow of Sh. Harbans Singh resident of RZ-269, Gali No. 5, Sagarpur, Nangal Raya, Delhi Cantt. Her grievance was that on 1st November, 1984 a violent mob attacked her house, gave beating to her husband

with iron rods, sprinkled kerosene oil on him and burnt him alive. One Raj Bania was leading the mob, who belonged to the same locality. On 2<sup>nd</sup> November, 1984 her neighbours cremated her husband.

The scrutiny revealed that the grievance of Smt. Nirmal Kaur had been linked with the case F.I.R. No. 410/84 dated the 1st November, 1984 Police Station Delhi Cantt which had been registered on the basis of a report of a general type regarding law & order situation by Sub-Inspector Ramesh Rana of that Police Station when he was on patrol duty in the ilaqua in Sagarpur. He inter-alia stated that several shops and houses of Sikhs were burning and the mobs in groups of 50 each were roaming in the area and causing damage to the property and persons of Sikhs. He tried to find out some eye-witnesses but none could be available.

The scrutiny further revealed that a charge-sheet was filed in the said case in the Court against Rajinder Prasad alias Raj Bania being Sessions Case No. 112 of 1985 (F.I.R. No. 410/84 Police Station Delhi Cantt under Sections 147, 148, 149, 427, 436, 380, 302 & 201 I.P.C.). However, the charge-sheet ended in acquittal vide judgement dated the 21<sup>st</sup> March, 1986 of Sh. S.P. Singh Chaudhari, Additional Sessions Judge, Delhi.

A perusal of the judgement is indeed astounding. The learned Additional Sessions Judge, Delhi has noticed that no action whatsoever in the matter was taken by Sub-Inspector Ramesh Rana up-till 11<sup>th</sup> November, 1984 on which date the investigation of the said case was transferred to Inspector Om Prakash of Special Investigation Team (Prosecution Witness 5 in the Court Case) when he was handed over a complaint dated the 8<sup>th</sup> November, 1984 lodged by Smt. Nirmal Kaur and which was lying with the Reader to the S.H.O., Police Station Delhi Cantt. It was only on 20<sup>th</sup> November, 1984 that statement of Smt. Nirmal Kaur was recorded under Section 161 Cr.P.C.

During the course of the judgement the learned Additional Sessions Judge, Delhi made several observation which may be summarized as under:

i) The F.I.R. No. 410/84 Police Station Delhi Cantt was of a general nature and was not with respect to any particular incident.

Hence for the purpose of this case it was of no help to the prosecution being vague, confusing and misleading. Regarding this incident the details are not at all mentioned in the F.I.R.

ii) Even though the F.I.R. was registered on 1st November, 1984 but Sub-Inspector Ramesh Rana, who was the Investigating Officer, did nothing about this particular incident.

iii) Even Prosecution Witness 5, Inspector Om Prakash recorded statement of Smt. Nirmal Kaur for the first time on 20<sup>th</sup> November, 1984.

iv) From the prosecution evidence especially from deposition of Smt. Nirmal Kaur, who was the solitary eye witness to the occurrence, it transpires that the body of her deceased husband was cremated by mohallawalas on 2<sup>nd</sup> November, 1984. Moreover, her four daughters were present at the time of the occurrence, eldest one being Karamjit Kaur aged about 17 years and the second daughter Gurpreet Kaur being aged 12 years. However, her two daughters referred to above although very material witnesses were not examined by the Investigating Officer under Section 161 Cr.P.C. and they were also not cited as witnesses in the case nor had they been produced in the Court.

v) Since the only witness to the occurrence, Smt. Nirmal Kaur, was an interested witness and her evidence had not been corroborated by any independent witness of the locality, it is difficult to place reliance on her uncorroborated evidence.

Such are the short-comings and lapses on the part of the Investigating Officers which have been noticed by this Committee in a very large number of cases relating to heinous crimes of murder of the male Sikhs, loot and arson of their properties. While making its recommendations to the Lt. Governor, National Capital Territory of Delhi, the Committee specifically pointed out that no attempt has been made by the Investigating Officer of various Police Stations to collect corroborative evidence of the widows/sons of the deceased persons even though most of the incidents of violence in a locality had taken place on the same date, at about the same time and by the same mob/groups of mob and as such it should not have been difficult for the Investigating Officer to check up and find out if some persons other

than the complainant (widow or son of the deceased) too had witnessed the occurrence but unfortunately that was not done and that was the biggest and most serious lapse on the part of the Investigating Officer, who as pointed out in several cases were casual and perfunctory in the investigation of riots cases.

D-2 – File No. 114/2421/85/JPRC/SP/90/

This file relates to an affidavit filed by Sh. Sudershan Singh son of Sh. Harchand Singh resident of RZ-258/D-2, Raj Nagar, New Delhi before Justice Ranganath Misra Commission of Inquiry on 9<sup>th</sup> September, 1985. He narrated an incident in which a mob attacked their house at mid-night of 2<sup>nd</sup> and 3<sup>rd</sup> November, 1984 and inter-alia killed his father Sh. Harchand Singh, brother Darshan Singh @ Hardarshan Singh besides his neighbour Sh. Nirmal Singh etc. He has also named some of the culprits including S/Sh. Sajjan Kumar M.P., Balwan Khokhar, Mohinder Singh Yadav, Ram Niwas, Brij Mohan Gupta as being amongst the mob.

The scrutiny of the police record revealed some astounding facts showing not only callous indifference but also discernible interest on the part of the local police in shielding the culprits. This case had a bearing on the case F.I.R. No. 418/84, Police Station Delhi Cantt. dated the 6<sup>th</sup> November, 1984 which had been registered on the written statement of Smt. Surjit Kaur widow of Sh. Harchand Singh (mother of the deponent) in which she has reported about the murder of her husband and son on the night of 2<sup>nd</sup> and 3<sup>rd</sup> November, 1984. It was also recorded that she could not name any one amongst the assailants but she could recognize the assailants if produced before her but no effort was made to apprehend the accused and hold an identification parade. She was not even contacted by the Investigating Officer after registering the F.I.R. The charge-sheet was filed in Court in the said case on 24<sup>th</sup> March, 1985 for various offences. The charge-sheet shows that Bobby, daughter of Smt. Surjit Kaur, was also present at the time of the occurrence at her residence. However, none of the two charge-sheets covered her grievance and she was not even cited as a Prosecution Witness. The deponent and Bobby were not even examined by the Investigating Officer under Section 161 Cr.P.C.

The two charge-sheets filed by Delhi Cantt. Police in Court related to the murders of Karnail Singh resident of RZ-261, Raj Nagar, Palam Colony, being sessions cases No. 71/85 and 111/85 (both in F.I.R. No. 418/84 Police Station Delhi Cantt.). In both the cases the learned Additional Sessions Judge, Delhi viz., Sh. V.B. Bansal and Sh. S.P. Singh Chaudhary respectively noticed that the F.I.R. had been lodged by Smt. Surjit Kaur widow of Sh. Harchand Singh resident of 258/D-2, Raj Nagar, Delhi and she had stated that her husband and son were murdered before her very eyes by the mob. However, she could not identify any of the culprits.

In sessions case No. 71/85 the prosecution had cited only six witnesses out of whom five were police officers while Smt. Surinder Kaur widow the deceased Karnail Singh, was the only eye-witness to the occurrence. Balwan Singh Khokhar alone had been challaned in that case. However, Smt. Surinder Kaur was not examined on the facile plea that she was not residing at the given address and her whereabouts are not known. The Court observed that the statements of other witnesses were of no avail to the prosecution because they were only formal witnesses. The Court also observed that the complainant Smt. Surjit Kaur widow of Harchand Singh was not in a position to identify the assailants as per challan sheet.

In the second Sessions Case No. 111/85 the charge sheet had been filed against one Hukam Chand. It was with respect to the murders of Chhatar Singh, Niranjana Singh etc. Smt. Somwati, widow of Chhatar Singh, who had been examined under Section 161 Cr.P.C. on 7<sup>th</sup> December, 1984 was the only eye-witness but she was not produced in the Court on the ground that she was no longer available at the given address. There being no other evidence to connect the accused with the crime he was acquitted. The Court also observed that as a matter of fact the F.I.R. No. 418/84 had nothing to do with the incident in question as the same contained allegation regarding some other incident which related to Smt. Surjit Kaur and nothing had been mentioned about the murders of Chhatar Singh, Niranjana Singh etc. in the said F.I.R. The Court observed that a separate F.I.R. should have been lodged and registered in respect of murders of Chhatar Singh, Niranjana Singh and Pal Singh but that was not done by the police.

It is also noteworthy that the murder of Nirmal Singh was subject-matter of case F.I.R. No 416/84 which was registered on the

complaint of Smt. Baljit Kaur, daughter of Avtar Singh. She had named four accused persons namely: Balwan Singh Khokhar, Mohinder Singh Yadav, Dhanraj and Mohinder Singh son of Pal Singh etc. Smt. Sampuran Kaur widow of Nirmal Singh and her daughter Nirpreet Kaur were also examined on 18<sup>th</sup> November, 1984 in the said F.I.R. No. 416/84 under Section 161 Cr.P.C. Smt. Sampuran Kaur was the deponent in case No. 509/2543/85/JPRC/SP/90/. Both were beaten up by the mob and her two sons had also witnessed the occurrence but they were not examined by the police. Both, Sampuran Kaur and Nirpreet Kaur were cited as Prosecution Witnesses in the challan. However, all the four accused persons were eventually acquitted by the Court on 7<sup>th</sup> February, 1986, the principal ground for acquittal being that neither Sampuran Kaur nor Nirpreet Kaur, who were star witnesses of the prosecution, were produced at the trial as they were reported to be untraceable. The rest of the witnesses were formal.

D-3 File No. 139/2673/85/JPRC/SP/90/

File No. 139/2673/85/JPRC/SP/90/ Police Station Delhi Cantt. which relates to an affidavit filed by Smt. Jagdish Kaur w/o Sh. Mohan Singh resident of WZ-53, Raj Nagar, Palam Colony, is yet another case in which Balwan Khokhar had been mentioned as a leader of the mob in connection with the murder of her two sons on 2<sup>nd</sup> November, 1984. She was examined in the case F.I.R. No. 416/84 Police Station Delhi Cantt. (Supra) under Section 161 Cr.P.C. on 20<sup>th</sup> January, 1985 on which date she confirmed the murders of her two sons and stated that her third son Gurvinder Singh (9 years old) was also present. No separate F.I.R. was registered in connection with the said murders and five charge-sheets filed in the Court did not reflect the said incident at all. She was not cited even as a Prosecution Witness. Having regard to the aforesaid fact this Committee had to recommend registration of a fresh case regarding the murders of her two sons Balwinder Singh and Kulwinder Singh which amply illustrates how casual and perfunctory was the investigation by the Delhi Cantt. Police in cases of heinous crimes like murder during the riots in November, 1984.

D-4 - File No. 540/2802/85/JPRC/SP/90/

D-5 - File No. 629/2690/85/JPRC/SP/90/



The above mentioned files relate to affidavits filed by various deponents who had mentioned more than a score of murders of male Sikhs on 1st November, 1984 at the hands of a violent mob in Sagarpur area of Delhi Cantt. We need not dwell on the details of the relevant cases but would like to refer to a couple of aspects which have come to light in the judgements of the Additional Sessions Judge, Delhi in Sessions Case No. 115/85 State Vs. Satpal Vig and two other, F.I.R. No. 410/84, Delhi Cantt. and Sessions Case No. 72/89 State Vs. Satpal Vig and seven others also relating to F.I.R. No. 410/84 of Delhi Cantt.

The aforesaid cases cover quite a large number of murders of Sikhs. F.I.R. No. 410/84 dated the 1st. November, 1984 had been registered on the basis of a report made by Sub-Inspector Ramesh Rana of Police Station Delhi Cantt which was general and vague in nature. He simply stated that a large crowd comprising several groups of fifty persons each armed with lathis having tied cloth soaked in kerosene oil etc., were indulging in lawlessness and causing damage to the properties of Sikhs. He challenged the members of the crowd but they managed to escape. He also tried to find out public persons who had witnessed the occurrence but he could not find anyone.

A large number of witnesses mostly widows of the deceased persons were examined in these two cases but both ended in acquittal (i) vide judgement in the Sessions Case No. 115/85 rendered by Sh. S.P. Singh Chaudhary, Additional Sessions Judge, Delhi on 31<sup>st</sup> January, 1986 and (ii) judgement in Sessions Case No. 72/89 rendered by Sh. S.S. Bal, Additional Sessions Judge, Delhi on 30<sup>th</sup> April, 1992. The observations in the former judgement are very pertinent to note. The deceased persons were Jaswant Singh, Amrik Singh, Avtar Singh and Jaspal Singh resident of RZ-11 to RZ-14, West Sagarpur, Delhi Cantt. while Smt. Saroj Kaur widow of Jaswant Singh, Surinder Kaur widow of Amrik Singh and Smt. Narinder Kaur were the only eye-witnesses to the occurrence. However, none of these ladies were examined at the trial on the facile plea that they were not traceable at their given addresses. Strangely enough even Sub-Inspector Ramesh Rana on whose report the aforesaid F.I.R. was registered too did not appear in the Court as the summons issued by the Court were not served on him. As an inevitable corollary the cases ended in acquittal.

The learned Additional Sessions Judge, Delhi observed that the F.I.R. which had been relied upon by the prosecution in the said case was vague and did not connect the accused persons with the alleged offences. Indeed the F.I.R. was of no help to the prosecution as it was totally vague F.I.R. and did not contain the names of the deceased persons, details of the looting and burning and the names of the witnesses etc. The F.I.R. was also silent regarding the names of the accused persons. So, it could not be said to be F.I.R. (specific) relating to the alleged offences. Pertinently, this Committee tried to trace out Smt. Saroj Kaur widow of Jaswant Singh and she was available at Faridkot (Punjab). Prabhcharan Singh deponent in File No. 540/2802/85/JPRC/SP/90/ is son of deceased Jaswant Singh. He was not even examined though in his affidavit he claims to have witnessed the murder of his father Jaswant Singh.

It was also noticed that the murders of S/Sh Mohalla Singh, Manjeet Singh, Dashmesh Singh and the Granthi of Gurudwara Sagarpur West, mentioned by Prabhcharan Singh in his affidavit were not at all covered by any of the F.I.R.s registered at Police Station Delhi Cantt. Likewise, the murders of Jasbir Singh son of Ram Singh, Joginder Singh son of Charanjit Singh, Charanjit Singh son of Bhagwan Singh and Joginder Singh son of Udham Singh too had not been covered by any of the charge-sheets, perhaps for the reasons that those had deposed to the said murders had failed to identify or name the culprits. For one thing the Committee was of the view that such serious offences ought to have been properly investigated with due diligence by the concerned Investigating Officer but he absolutely failed to discharge his statutory duty. The Committee has commented upon such cases of grave and serious delinquency on the part of the investigation/prosecution agency in not ensuring service on the aforesaid witnesses etc. Needless to say that clubbing of more than a score of murders of Sikhs in one F.I.R. and that too of general nature was totally against the statutory provisions of Criminal Procedure Code and as an inevitable corollary there was no corroborative evidence in the shape of separate F.I.Rs. available at the trial.

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A perusal of File No. 381/2431/85/JPRC/SP/90/ Police Station Mangolpuri makes startling revelations. The said file relates to an affidavit filed by Gurmukh Singh son of Narain Singh resident of B/48-49, Vatika Rohini Police Station Mangolpuri. The grievance of the deponent was two-fold;

- That on 1<sup>st</sup> November 1984 violent mobs attacked his house looted and set the same on fire. They also set ablaze a scooter belonging to him;
- That on the next following day he violent mob led by Bhool and Ram Chander Singh looted trucks bearing Nos. DEG 5760 and DED 2874. The mob looted deponent's cloth worth Rs. 9 lacs and set those trucks on fire. He further pointed out that a report was lodged and the police arrested ten persons but after keeping them in custody for three days, they were let off.

The scrutiny reveals that the case regarding the loot and burning of his house on 1<sup>st</sup> November, 1984 was linked with the case F.I.R. No. 174/84 dated the 1<sup>st</sup> November, 1984 Police Station Mangolpuri which had been registered on the basis of a general report regarding the law and order situation made by Sub-Inspector Ram Chander. The case diary contains a reference to a complaint made by Smt. Pyar Kaur wife of the deponent to the Investigating Officer on 16<sup>th</sup> November 1984 to the effect that the above mentioned house had been looted and set on fire by the violent mob on 1<sup>st</sup> November 1984. However, she did not know anybody in the mob.

A challan was filed in Court against 30 (Thirty) accused persons on the 13<sup>th</sup> March 1985 but there was no reference whatsoever to the incident of loot and burning of the house of the deponent. The latter was not even examined during the course of investigation. Obviously apart from the above-mentioned statement under Section 161 Cr. P. C. of Smt. Pyar Kaur there was no further investigation in the said case. As pointed out by this Committee in a large number of similar cases, the investigation consisted of only statement under Section 161 Cr. P. C. of the complainant and that too with the rider that the complainant did not know any of the culprits.

As for the second grievance, the scrutiny reveals that the case was linked with F.I.R. No. 519/84 dated 10<sup>th</sup> November 1984 registered at Police Station Punjabi Bagh towards the Commission of offence under Section 412 I.P.C. on the basis of a report made by Sub-Inspector Sham Lal, Police Station Punjabi Bagh to the effect that on 2nd November 1984 bales of cloth loaded in truck no. DEG 5760 were looted by a mob near Pitampura and on 10<sup>th</sup> November 1984, Sub-Inspector Sham Lal recovered a few of them from accused Wali Ram alias Bhool. The F.I.R. was recorded on the basis of a complaint lodged by Raval Singh son of the deponent who was owner of truck no. DEG-5760.

The scrutiny report further reveals that looted bales of cloth were recovered from the residential places of the following persons:

- i. 2 Thans Surinder s/o Ram Chander  
House No. 58, Pitampura.
- ii. 23 Thans Wali Ram @ Bhool s/o Risal Singh  
House No. 56, Pitampura.
- iii. 5 Thans Nafe Singh s/o Rampal.
- iv. 4 Thans Dayanand s/o Hoshiar Singh.
- v. 1 Than Mangeram s/o Dharam Singh
- vi. 4 Than Inder s/o Ram Chander.
- vii. Some Thans Kartare s/o Rattan Singh.
- viii. 1 Than Balwan s/o Prabhu.
- ix. 20 Thans Joginder s/o Devi Singh.

A charge-sheet was filed in the said case against Wali Ram @ Bhool under section 412 I.P.C. only and Raval Singh and some other witnesses were examined. However, the charge sheet ended in acquittal vide judgment dated the 10<sup>th</sup> March 1987 of Sh. P. S. Sharma, Additional Sessions Judge, Delhi. The observations of the court are worth reading. It pointed out that Kuldip Sharma, Prosecution Witness had inter-alia stated that on 10<sup>th</sup> November, 1984 house of the accused had been searched and some cloth lengths kept in the refrigerator iron box etc., had been recovered vide recovery memo. Ex-Prosecution Witness 4/A. He further stated that some recoveries

were also affected from different persons but he could not tell their names. During cross-examination he stated that the cloth pieces recovered from various places were being collected at a crossing and police was guarding the spot. The cloth pieces recovered from the house of the accused were also placed in the bundles lying at the crossing. Sub-Inspector Sham Lal deposed to the recovery of 23 rolls of cloth (Thans) from the house of the accused but during his cross-examination he admitted that the cloth recovered from the accused was commonly available in the market and had no special mark of identification and that no identification was got done from a Magistrate. In view of these facts the learned Additional Sessions Judge, Delhi observed that:

- no cloth was produced in the Court to connect the accused with the crime;
- if any cloth was recovered it was mixed up with other cloth recovered from different places like roof tops, streets and crossing etc.;
- Sub-Inspector Sham Lal also could not say the exact place from where the cloth lengths were recovered from the house of the accused and whether he was in exclusive possession of that house. So it appears that after cloth was recovered from different sources some of them was planted on the accused.

The observations made by the Court appear to be quite apt having regard to the evidence available on the judicial file. Even the police case diaries show that recoveries had been affected from ten persons but only one of them had been charge-sheeted. Certainly the case of this style calls for a thorough probe against the delinquent police officials.

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F-1 File No. 163/2538/85/JPRC/SP/90/

F-2 File No. 551/2582/85/JPRC/SP/90/

F-3 File No. 603/2307/85/JPRC/SP/90/

The above-mentioned three files relate to the affidavits filed by 1) Smt. Kuldip Kaur widow of Sh. Bawa Singh resident of A-82, Amar Colony, Nangloi Smt. Surinder Kaur widow of Sh. Kulwant Singh resident of D-52, Amar Colony, Nangloi and Smt. Gurdeep Kaur widow of Sh. Avtar Singh resident of D-54, Amar Colony, Nangloi respectively which they had filed before Justice Ranganath Misra Commission of Inquiry in September 1985. Since the three affidavits apparently pertain to the same incident of violence, loot and arson of the properties belonging to them and murders of male Sikhs, they have been dealt with together by the Committee.

A perusal of the above mentioned files would clearly demonstrate how an Investigating Officer entrusted with the investigation of a heinous crime like gruesome murder etc., can play havoc with the investigation by indulging in distortion, twisting and even fabricating false statements under Section 161 Cr.P.C. so as to shield an alleged culprit, accused of committing murders during the riots which had broken out in the wake of the assassination of Smt. Indira Gandhi, the then Indian Prime Minister of the country.

The factual background of these cases is that as per allegations contained in the affidavits of Smt. Kuldip Kaur widow of Sh. Bawa Singh and other deponents, on 1<sup>st</sup> November 1984, Bawa Singh husband of Kuldip Kaur, Avtar Singh husband of Gurdeep Kaur and Kulwant Singh husband of Surinder Kaur and some of their relatives were done to death by a violent mob which was led by Rajinder Singh, Pradhan of Amar Colony. They went to the Police Station Nanagloi to lodge a report but their report as such was not recorded. However, both Surinder Kaur widow of Kulwant Singh and Gurdeep Kaur widow of Avtar Singh were examined during the course of investigation into the case F.I.R. No. 365/84 Police Station Nangloi that had been registered at the instance of one J. S. Tuli resident of 25/18 Punjabi Bagh Extension No. 1, Delhi, reporting murders of Kashmir Singh, Anokh Singh, Hardeep Singh, Bhagat Singh and Davinder Singh besides some other Sikhs during the riots of November 1984 and also loot and arson etc. In their 161 Cr. P. C. statements, they did not name any of the culprits involved in the Commission of crime. Eventually, the case was closed as un-traced.

However, both Smt. Gurdeep Kaur and Kuldip Kaur were also examined during the investigation of another F.I.R. No. 351/84 Police

Station Nangloi, which had been registered on the basis of an omnibus report made by Sh. Ram Pal Rana, S.H.O., Police Station Nangloi regarding large scale incidents of loot, arson and killings of the Sikhs in the area during the riots which had erupted on 1<sup>st</sup> November, 1984. Kuldip Kaur's statement under section 161 Cr. P. C. was recorded on 7<sup>th</sup> April 1985 and she inter-alia stated that she could identify one of the rioters by the name of Rajinder Singh, Pradhan of Amar Colony. She specifically alleged that it was he who had dragged out her husband from her house and thereafter he i.e. her husband was killed with saria blows. She could not even get the dead-body of her husband and she was not aware when and how he was cremated. Likewise, Smt. Gurdeep Kaur too stated that in her examination under section 161 Cr. P. C. dated 7<sup>th</sup> April, 1985 that she could only identify Rajinder Singh whom she had known from amongst the rioters and who was Pradhan of Amar Colony.

After the completion of the investigation a charge sheet was filed in court in the case F.I.R. No. 351/84 dated the 1<sup>st</sup> November, 1984 on 29<sup>th</sup> November, 1985, against 11 (eleven) accused persons, including Rajinder Singh, Pradhan of Amar Colony. The charge-sheet inter-alia mentioned about the recovery of the looted property from some of the accused persons. However, the charge sheet did not cover specifically the deaths of Bawa Singh and Avtar Singh etc., although both Kuldip Kaur and Gurdeep Kaur had been cited as Prosecution Witnesses. It appears that the charge sheet was eventually split up into 11 (eleven) separate trials and as many as 11 (eleven) judgments were rendered by the Court of an Additional Sessions Judge, Delhi. All the judgments culminated in the acquittal of various accused persons.

It is noteworthy that Rajinder Singh son of Abhey Singh had been sent up for trial towards Commission of offences under sections 147, 148, 149, 302, 307, 395, 427, 436 & 412 I.P.C. and 25/27 Arms Act. However, he was charge-sheeted only under sections 147, 149, 436 and 395 I.P.C. Eventually, he was acquitted vide judgment dated the 15<sup>th</sup> December, 1988 of Additional Sessions Judge, Delhi, Sh. S. P. Singh Chaudhari on the ground that the two star witnesses of the Prosecution who had witnessed the occurrence, namely, Kuldip Kaur, and Gurdeep Kaur, deponents, had not been produced in the Court

and they were reported to be not traceable. The learned Judge also observed that there was delay in reporting the incidents by the aforesaid ladies to the police.

The Committee noticed that none of the persons mentioned by the deponents, namely, Kali Charan, Ram Kumar Gupta, Ram Bhaj and Goel etc., had been sent up for trial probably because their names did not figure in the statement under section 161 Cr. P. C. of Kuldip Kaur or Gurdeep Kaur although they had been named specifically in their affidavits before Justice Ranganath Misra Commission of Inquiry. Further, no charge was framed against Rajinder Singh under Section 302 I.P.C. despite his having been named specifically by both the ladies in their statements dated the 7<sup>th</sup> April 1985 under section 161 Cr. P. C. Hence the matter was taken up with the Director of Prosecution, Delhi, who clarified in his reply that there was no allegation in statements recorded under Section 161 Cr. P. C. of Smt. Gurdeep Kaur and Kuldip Kaur on 9<sup>th</sup> April, 1985 that they had identified the accused Rajinder Singh or any other member of unlawful assembly committing murders of their husbands and their other relations on 1<sup>st</sup> November 1984. That necessitated deeper scrutiny by the team headed by the D.I.G. (Police) attached to the Committee and it revealed that both Kuldip Kaur and Gurdeep Kaur had been examined by the Investigating Officer on 7<sup>th</sup> April 1985 and not on 9<sup>th</sup> April 1985 as was pointed out by the Director of Prosecution. Hence certified copies of their statements dated the 9<sup>th</sup> April 1985 alleged to have been recorded under Section 161 Cr. P. C. and tendered in Court as Exhibits Prosecution Witnesses 2-B and 'C' were obtained. The said statements were totally different from the ones dated the 7<sup>th</sup> April 1985 in as much as according to Kuldip Kaur she could identify Rajinder Singh from amongst rioters besides a property dealer and man Kali Charan who had burnt the house and looted the properties of the Sikhs. Strangely enough there was not a whisper about the murder of her husband or anyone else in her statement dated the 9<sup>th</sup> April 1985 alleged to have been recorded under Section 161 Cr. P. C. So was the case with statement under Section 161 Cr. P. C. of even date of Smt. Gurdeep Kaur. On a closer scrutiny of the case diaries it further transpired that there was no mention whatsoever of statements dated the 9<sup>th</sup> April 1985 of either Kuldip Kaur or Gurdeep Kaur under Section 161 Cr. P. C. and no such statements formed part of the case



diary. It was noticed that the statement of Kuldip Kaur widow of Bawa Singh dated the 9<sup>th</sup> April 1985 had been recorded on a plain sheet of paper whereas the statement of Gurdeep Kaur had been recorded on a continuation sheet bearing printed No. 83550. The Committee was at loss to comprehend as to what necessitated recording of fresh statements under Section 161 Cr. P. C. on 9<sup>th</sup> April 1985 i.e. just two days after their statements under Section 161 Cr. P. C. had been recorded on 7<sup>th</sup> April 1985. Having regard to all the facts, the Committee is of the view that the statements dated 9<sup>th</sup> April 1985 of Kuldip Kaur and Gurdeep Kaur are false and fabricated and were designed to shield the accused Rajinder Singh etc.

In view of these startling facts and bearing in mind that both Kuldip Kaur and Gudeep Kaur were eye-witnesses to the occurrence an effort was made to trace out both of them and the efforts proved fruitful as both of them were very much available at Delhi itself. When examined by the Committee they owned and confirmed the contents of the affidavits filed by them.

It is significant to note here that in the charge-sheet the name of Bawa Singh husband of the deponent Smt. Kuldeep Kaur and their relatives did not find place as such and all that was stated was that 16 (sixteen) dead bodies were found out of which only 5 (five) could be identified.

Yet another fact which came to light was that eventually 11 (eleven) separate trials were held against the 11 (eleven) accused persons out of which 10 (ten) of them had been charged under Section 412 I.P.C. only whereas Rajinder Singh who had been named by the deponents was charged under Sections 147, 149, 436 and 395 I.P.C. and not 302 I.P.S. It may not be out of place to mention here that only two Inspectors of Police, one Sub-Inspector of Police and one Head Constable of Police were examined as Prosecution Witnesses at the trial and the only two eye-witnesses were not produced in Court lest they should divulge the factum of the murders of their husbands and other relatives at the hands of the accused persons.

The Committee, therefore, recommended registration of a fresh case on the basis of the affidavits filed by the deponents mentioned above and investigation thereof by a wholly independent agency.

Although, the recommendation was accepted by the Lt. Governor, National Capital Territory of Delhi, the Committee has serious doubts if fresh cases have been actually registered and investigated on proper lines. May be that Rajinder Singh being the Pradhan of the village wielded some influence in the area but it is really deplorable that the Investigating Officer should stoop so low as to indulge in fabrication and distortion of facts as well as police record. The Committee feels that hitherto statements under Section 161 Cr. P.C. of witnesses recorded during the course of investigation were considered to reflect the prosecution version, perhaps, a note of caution to the Courts will be necessary that they should not blindly accept statements of witnesses under Section 161 Cr. P.C. and reject their depositions in Court which are substantive pieces of evidence merely because of certain discrepancies in the two and that there was an omission of certain allegations in statements under Section 161 Cr. P.C. of the witnesses. In other words its is high time that the statements under Section 161 Cr. P.C. are not taken as gospel truth or the foundation of the prosecution case as the possibility of dishonest investigation in some cases cannot be ruled out.

Copies of the statements dated the 7<sup>th</sup> April 1985 as well as 9<sup>th</sup> April 1985 recorded under Section 161 Cr.P.C. of the deponents as well as the copies of the judgments of the Additional Sessions Judge, Delhi in two cases viz. (i) State Vs Rajinder Singh, F.I.R. No. 351/84, Police Station Nangloi delivered on 15<sup>th</sup> December, 1988 and (ii) State Vs Ram Singh, F.I.R. No. 351/84 delivered on 3<sup>rd</sup> February, 1989 are also annexed as Annexure '6' to show that Rajinder Singh accused was acquitted because of non-production of Smt. Kuldeep Kaur and Gurdeep Kaur. There is a reference in the said judgement to their statements under Section 161 Cr. P. C. dated the 7<sup>th</sup> April 1985. In the other two cases the Court observed that the F.I.R. No. 351/84 on which reliance had been placed in those cases was of no avail to the prosecution because it was not based on any eyewitness account about the incidents covered by the Court cases by the S.H.O. on whose report the said F.I.R. had been recorded. The Court also observed that the stolen goods were never got identified and the recoveries had not been affected in the presence of any public witness either. Further, the property alleged to be stolen was not sealed at the spot at the time of recovery and identification was also done at the Police Station and not judicially as per procedure.

**POLICE STATION : KALYANPURI / TRILOKPUR  
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- G-1 File No. 67/2514/85/JPRC/SP/90
- G-2 File No. 202/2625/85/JPRC/SP/90
- G-3 File No. 207/2685/85/JPRC/SP/90
- G-4 File No. 654/2650/85/JPRC/SP/90
- G-5 File No. 575/2710/85/JPRC/SP/90

Apparently a heavy toll of life was taken by the rioters in Kalyanpuri during 31<sup>st</sup> October 1984 to the 4<sup>th</sup> November 1984 and as many as 1084 affidavits were received by Justice Ranganath Misra Commission of Inquiry as well as the erstwhile Justice M. L. Jain – Sh. A. K. Banerji Committee.

It is pertinent to notice here that the incidents covered as many as 29 (twenty nine) affidavits received from various deponents were found to have been clubbed by the local police with the F.I.R. No. 426/84 dated the 3<sup>rd</sup> November, 1984 of Police Station Kalyanpuri. The said F.I.R. had been registered under Sections 147, 148, 149, 323, 427, 436 & 302 I.P.C. on the basis of the information given by one Riju Singh son of Jaimal Singh resident of 32/124, Trilokpuri, Delhi. As shall be presently seen investigation in most of these cases was found to be absolutely casual, perfunctory and even faulty. Strangely enough F.I.R. No. 426/84 had no bearing on the incidents reflected in the said affidavits and vice versa. Still worse the said F.I.R. was apparently recorded on 3<sup>rd</sup> of November 1984, but even then the incidents of mob violence, which had taken place on 1st and 2nd of November 1984, resulting in several murders, were attached to the said F.I.R. No. 426/84. To say the least, their linkage was absolutely unwarranted by law and procedure. Certainly incidents, which had taken place prior to the registration of the said F.I.R., could by no stretch of imagination or reasoning be clubbed with such an F.I.R. especially when there was nothing in common between the two. The following are some of the cases which amply illustrate the perfunctory and casual nature of investigation on the part of the local police.

- G-1 File No. 67/2514/85/JPRC/SP/90

This file relates to an affidavit filed by Smt. Harbai widow of Sh. Honda Singh. She complained of her two sons, namely Lachman Singh and Hoshiar Singh having been killed by the mob on 2<sup>nd</sup> November, 1984. She was examined by the Investigating Officer under Section 161 Cr. P. C. during the course of investigation on 17<sup>th</sup> November, 1984. It would appear that two charge-sheets were eventually filed by Police Station Kalyanpuri in the case F.I.R. No. 426/84 and as many as 196 persons had been arraigned as accused while about 84 persons were cited as Prosecution Witnesses. Harbai's case too was reflected in charge-sheet No. 1 dated the 28<sup>th</sup> August 1985. Strangely enough, however, no other ocular witnesses, not even the in-mates of the house were examined by the Investigation Officer to corroborate her testimony. Still worse even though the name of Harbai appears in the charge-sheet but the same did not specifically cover the murders of her two sons Lachman Singh and Hoshiar Singh. She was not cited even as a Prosecution Witness, not to speak of seeking any corroboration for any other ocular witness. Likewise Shanti Bai whose husband Darshan Singh had also been killed by the mob too was not cited as a Prosecution Witness although her name figured in the final case diary and charge-sheet No. 1 dated the 28<sup>th</sup> August 1985. There was, however, no specific reference to the murder of her husband Darshan Singh. It was under these circumstances that the Committee had to recommend registration of fresh case to the Administrator, Union Territory of Delhi.

G-2 File No. 202/2625/85/JPRC/SP/90

Similar position was noticed in File No. 202/2625/85/JPRC/SP/90/. The grievance of the deponent, Smt. Bhoji Bai w/o Sh. Jeevan Singh was that her husband and three sons were burnt alive and killed by a violent mob. While Smt. Bhoji Bai was examined under Section 161 Cr.P.C. on 17<sup>th</sup> November, 1984, no effort was made to seek corroboration of the evidence of Smt. Bhoji Bai. No attempt was made even to elicit information from her if anyone else had witnessed the occurrence at the time of examining her under Section 161 Cr.P.C.

G-3 File No. 207/2685/85/JPRC/SP/90

Deponent, Smt. Shammi Bai widow of Sh. Inder Singh complained of her husband, her son Manohar Singh and brother Lachu Singh having been dragged out of her house and killed by the mob with sarais (iron rods) etc. She was examined under Section 161 Cr. P. C. and the murders of her deceased husband and son etc., were covered by the charge-sheet file in the Court. However, no effort was made by the Investigating Officer to examine the other members of the family and close relatives of the deponent Harbai who according to the deponent were present at the house and had witnessed the occurrence. Of course, Smt. Bhagwan Kaur widow of Lachu Singh was cited as Prosecution Witness.

G-4 File No. 654/2650/85/JPRC/SP/90

Similarly in file no. 654/2650/85/JPRC/SP/90/ the grievance of the deponent Smt. Satnam Kaur widow of Mohan Singh was that on 2<sup>nd</sup> November, 1984 her husband Mohan Singh was killed and burnt alive by the mob. Their entire property was also looted. However, excepting the examination of Satnam Kaur under Section 161 Cr. P. C. no further investigation into the allegations made by her was conducted. No attempt was made even to elicit information from her as to who else had witnessed the occurrence and find corroboration of her evidence. No attempt was made to recover the looted property either.

G-5 File No. 575/2710/85/JPRC/SP/90

Deponent Smt. Bhakti Bai widow of Sh. Sajjan Singh complained of her husband Sajjan Singh having been killed on 1<sup>st</sup> November, 1984 by a riotous mob who were indulging in loot, arson of the properties of the Sikhs and killing of Sikhs. She further mentioned that her husband's younger brother too had been killed on 2<sup>nd</sup> November, 1984.

The scrutiny revealed that only she was examined under Section 161 Cr. P. C. by the Investigating Officer and no effort was made to collect any corroborative evidence even though according to her, her children including her daughter Vidya Kaur, aged 12 years and her son Hari Singh aged 10 years, were present in the house at the time of the occurrence. A list of cases clubbed with F.I.R. No. 426/84

dated the 3<sup>rd</sup> November 1984 Police Station Kalyanpuri is attached as an annexure '7' of the Report.

It may be pertinent to notice that most of the deponents mentioned in the list of cases, which were clubbed with F.I.R. No. 426/84 of 1984 were residents of Block No. 32, Trilokpuri, Police Station Kalyanpuri and the incidents of loot, arson and murders were committed by the rioters on 1<sup>st</sup> November 1984 and 2<sup>nd</sup> November 1984. So, it should not have been at all difficult for the Investigating Officer to co-relate the various incidents of violence which had taken place in that locality during 31<sup>st</sup> October 1984 to 4<sup>th</sup> November 1984 and collect corroborative evidence to support the aggrieved persons / complainants who as stated above were mostly widows of the deceased persons killed during riots.

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File No. 469/2632/85/JPRC/SP/90/

File No. 469/2632/85/JPRC/SP/90/ Police Station Alipore furnishes a glaring example to what extent some police officials can stoop low and act dishonestly apparently to favour the rioters of November 1984 riots. Whether they were actuated by anti-Sikh feelings or they were acting at the behest of some powers that be is a matter better known to them but we are shocked to notice how unscrupulous illegal and dishonest was the investigation conducted by Police Station Alipore police in the case F.I.R. No. 315/84.

The relevant facts shorn of details are that the deponent Smt. Ajmer Kaur had alleged that on 1<sup>st</sup> November 1984 five male Sikhs, namely her husband Ujagar Singh, her neighbours, Avtar Singh, Joginder Singh, Santokh Singh, Scooter Driver and one Gurdeep Singh who had just reached their house at Karachi Garden, Sindhi Colony, Karnal Road from Alpana Cinema, Kingsway Camp, were done to death and burnt alive before her very eyes. It was further alleged that the mob snatched their ornaments and looted their houses.

The scrutiny of the police records of Police Station Alipore revealed that the aforesaid incident was covered by the case F.I.R. No. 315/84 of Police Station Alipore which had been registered on the basis of a report lodged by Inspector Raj Mahinder Singh, S.H.O., Police Station Alipore with regard to the general condition of law & order and riotous mob indulging in loot and arson of the vehicles and houses of the Sikhs and also killings the Sikhs in the locality.

Even though the aforesaid murder had been committed on 1<sup>st</sup> November 1984 the investigation regarding the same was initiated on 8<sup>th</sup> November 1984 when Head Constable Gurcharan Singh was examined under Section 161 Cr. P. C. Smt. Ajmer Kaur, deponent, Smt Harbans Kaur, widow of Santokh Singh, Smt. Harjeet Kaur widow of Joginder Singh, Smt. Amarjit Kaur w/o Sewa Singh and Head Constable Gurcharan Singh No. 200, D.A.P., 1<sup>st</sup> Battalion, Delhi and father of Jagdeep Singh were examined by the Investigating Officer who was none other than the S.H.O. himself under Section 161 Cr. P. C. Chowkidar Sita Ram and a son of a sweeper of Village Samaypur were named by the various witnesses as having been identified among the assailants. No F.I.R. was recorded on the complaint of any specific complainant. However, a charge sheet was filed against five persons, who had been arrested by Inspector Raj Mohinder Singh at the spot on 1<sup>st</sup> November 1984, in Court on 6<sup>th</sup> December 1984 under Section 147 and 148 I.P.C. only in which seven police officials were cited as Prosecution Witnesses. None of the persons mentioned above, namely Ajmer Kaur and other ladies whose husbands had been killed, Head Constable Gurcharan Singh and Bahadur Singh was (sic) cited as Prosecution Witnesses. There was no whisper about the gruesome murders mentioned above. Eventually, the five accused were acquitted by the Court of Sh. J. B. Goel, Additional Sessions Judge, Delhi on 21<sup>st</sup> November 1991.

The Committee has noticed with grave concern the crude manner in which the heinous crime of gruesome murders of five persons was suppressed by the Investigating Officer. Not only that no F.I.R. was recorded on the basis of the statement / report made by any of the complainants but even the aggrieved persons who had been examined under Section 161 Cr. P. C. had not been cited as Prosecution Witness. The factum of the gruesome murders of their male members was totally suppressed. Under these circumstances

the Committee recommended registration of a fresh case under Sections 147, 148, 149, 395, 327, & 302 I.P.C. However, we are not yet aware of the ultimate outcome of the investigation conducted by the investigating agency to whom the case has been entrusted.

It is with a sense of (sic) profound distress and deep concern that the Committee have highlighted the callous indifference and grave delinquency on the part of the concerned officers of local police in not discharging their statutory duty to investigate the riots cases properly and diligently.

## **P O L I C E   S T A T I O N   :   A D A R S H   N A G A R**

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I-1   File No. 573/135/85/JPRC/SP/90/

This file relates to an affidavit filed by Smt. Mandodri Devi widow of A.S.I. Hari Singh resident of B-166, Jahangirpuri. Her grievance is that on 1<sup>st</sup> November 1984 a violent mob visited their locality time and again to assault and beat up the Sikhs who were residing in her neighbourhood. Both she and her husband were present at their house. Being a police officer her husband (a Hindu and not a Sikh ) tried to protect his Sikh neighbours and he even fired shots in the air to scare away the crowd from his personal licensed gun. However, someone from the mob attacked from behind and snatched his gun. He was severely beaten with iron rods and fell down at about 8:30 p.m. However, he was brought to his house by the deponent with the help of Ganga Prasad, brother of the deceased Hari Singh and some Hindu neighbours. He remained in the hospital from 1<sup>st</sup> November, 1984 to 13<sup>th</sup> November, 1984 for medical treatment when he was discharged. He was examined by Sub-Inspector Jai Bhagwan during the course of investigation in the case F.I.R. No. 910/84 Police Station Adarsh Nagar on 16<sup>th</sup> November, 1984. He told the police that he was injured when he tried to save his Sikh neighbours from the mob attack. He added that he had opened fire with a view to scare away the mob but someone from the mob snatched away his gun and attacked him from behind.



A.S.I. Hari Singh was again admitted to Lok Nayak Jai Prakash Narain Hospital on 15<sup>th</sup> December 1984. However, he succumbed to his injuries on the very next following day viz., 16<sup>th</sup> December 1984. Even though the deponent and her brother-in-law informed Sub-Inspector Jai Bhagwan about the death of A.S.I. Hari Singh, no action was taken thereon.

It was noticed by this Committee that during the investigation of the case F.I.R. No. 910/84 registered at Police Station Adarsh Nagar on 1<sup>st</sup> November 1984 Sub-Inspector Jai Bhagwan did mention about the injuries received by A.S.I. Hari Singh during the riots and his admission in Hindu Rao Hospital. Not only that the Investigating Officer further recorded that A.S.I. Hari Singh was unconscious and not fit to make statement.

Strangely enough a charge sheet was filed in the aforesaid case against four accused persons but that was only under Section 411 & 412 Indian Penal Code for having been found in possession of looted property. The charge sheet was absolutely silent about the injuries sustained by A.S.I. Hari Singh during the riots.

The Committee noted with concern that even though a police officer (he being a Hindu) had been killed / beaten up while discharging his noble duty of saving his Sikh neighbours from the onslaught of the rioters, the local police failed to register a case regarding his death or revive the investigation in the case F.I.R. No. 910/84 Police Station Adarsh Nagar so as to trace out the culprits and bring them to book. No doubt A.S.I. Hari Singh had died instantaneously on sustaining injuries at hands of the violent mob but the fact remains that he was hospitalized for a considerable time and his injuries eventually supervened and proved fatal. The Committee commended the role played by A.S.I. Hari Singh, which was in the highest traditions of a brave police officer. Unfortunately, however, his death was not even investigated and was overlooked by his own colleagues at Police Station Adarsh Nagar.

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