



HIGH COURT OF JUDICATURE AT ALLAHABAD
PUBLIC INTEREST LITIGATION (PIL) No. - 16563 of 2010

Association For Advocacy And Legal Initiatives Lko.

.....Petitioner(s)

Versus

State Of U.P. Thru. Sec. Home Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ankur Sharma, Ravi Kiran Jain
Counsel for Respondent(s)	: C.S.C., Smt.M.R.Chauhan

Court No. - 2

HON'BLE ATUL SREEDHARAN, J.

HON'BLE SIDDHARTH NANDAN, J.

(Per: HON'BLE ATUL SREEDHARAN, J.)

1. This case discloses institutional failures. This is a PIL filed in the year 2010 and is still pending. Sixteen years down the line, the videography and the photographs of the scene of occurrence (hereinafter referred to as the "SOO") and the postmortem are not being made available to this Court to enable it to proceed further.

2. The subject matter of the PIL relates to the custodial death of Nahar Singh, a handicapped citizen. Nahar Singh @ Sneh was a physically handicapped person who died in police custody on 9.5.2009 in P.S. Dannahar, District Mainpuri. He was found hanging in the urinal part of the lockup. He is said to have used his belt to hang himself. On page 15 of the petition, there is a photocopy of the handicap certificate dated 12.9.2008 relating to the deceased which records that the deceased suffered from 40% physical disability. It is necessary to record here that a "Lock Up" within a police station is not a secluded place within which the activity cannot be seen. It is an area where persons are held temporarily or on police remand, before they are sent to the jail on judicial remand. It is a part of the police station which is enclosed with iron bars with a latch on the outside and the urinal is inside that area. It is almost an impossibility for anyone to do any

activity within the urinal inside the lock up, unknown to the personnel in the police station as they are under constant vigil. Therefore, how a person with forty percent handicap could hang himself, within the confines of the lock up does not prima facie gel with the official version of the police and the State.

3. Apoorva Srivastava, in her capacity as coordinator of the "Association for Advocacy and Legal Initiatives" (hereinafter referred to as the AALI) files an affidavit on behalf of the petitioner, laying down the credentials of the AALI as an organization led by women who are committed to the protection and advancement of the rights of women, children and the marginalized communities. In paragraph 9 of the affidavit, she has given statistics relating to the custodial deaths in India and how the State of U.P. topped in cases of custodial deaths in the year 2021-22. The affidavit puts the number of custodial death cases in 2020-21 at 451 which had risen to 501 cases in 2021-22 as per the Government data. The petitioner-organization filed this PIL to unearth the truth relating to the custodial death of Nahar Singh.

4. Disturbingly, the first institution that failed in this endeavour of unearthing the truth is this Court. The subject matter of the PIL was such that it warranted urgency and repeated listings with short dates to protect evidence and ensure their production before this Court for it to satisfy itself, that the contention of the State that the Nahar Singh committed suicide in the urinal of the lock up was true, and that there was no parallel hypothesis to that story. But before this Court could hold so, it was essential for it to examine the videography of the SOO and the postmortem to satisfy itself, that the videographic evidence did not scream of another story, altogether different from the that of the State and the police. A case of this nature ought to have been concluded within three months from the date of its first listing with sustained pressure on the State to produce the videography and had it been so done, the probability of this Court having secured access to the videography was much higher than it is today. The procedural delay of sixteen years in this case has given an opportunity to the police and the State

to cover its tracks in a manner that the truth remains obscured. The attempts by this Court to now lay its hands on the videographic evidence gets obfuscated on account of this delay.

5. In the sixteen years that this case has meandered, the counter affidavits have been filed by respondent no.4 Pravesh Kumar Singh, the then S.H.O. of the police station in question, which was filed on 27.05.2010, the affidavit on behalf of respondent no.2, Superintendent of Police, District Mainpuri on 27.05.2010 and another affidavit on behalf of respondent nos. 2 and 3, Superintendent of Police, District Mainpuri and S.H.O. P.S. Dannahar, District Mainpuri. Thereafter, on 15.12.2022, the affidavit of Principal Secretary, Law was filed not relating to the subject matter of the PIL but on the issue of delay in filing the response by the State. Thereafter, on 16.12.2022, the affidavit of Mr. B.D. Paulson, the then Secretary (Home Department) was also filed on delay in filing the response by the State. Then, on 20.12.2022 is the affidavit of B.D. Paulson again on the question of delay in filing the response.

6. Mr. Karmendra Singh, the Executive Magistrate at the relevant point of time has filed two affidavits. On 4.5.2026, Mr. Ajay Kumar Mishra, the then SSP Mainpuri (presently posted as Inspector General of Police, Prayagraj Range) has filed an affidavit disclosing his knowledge regarding the chain of events leading to the death of Nahar Singh. In paragraph 12 of the affidavit, he has sought liberty to file a detailed affidavit after perusing the available records of the case as he was only posted at Mainpuri on election duty and transferred from there shortly after the conclusion of the election, while the records were transmitted to the NHRC by the then SSP Mr. D.K.Rai.

7. On 12.9.2011, an affidavit of Mr. Mahesh Chandra, who was at that particular point of time posted as Circle Officer, Bhugaon, District Mainpuri, has filed an affidavit bringing on record the proceedings in an application preferred under Section 156(3) Cr.P.C. by Meena Devi, mother of the deceased, for registering a first information report against the police

personnel of the police station concerned for the murder of her son. Thereafter, she has moved an application dated 10.8.2010 for withdrawing the application, pursuant to which a detailed order dismissing the application was passed by the Judicial Magistrate First Class on 13.4.2011. By this affidavit, copies of those documents have been placed on record.

8. The affidavits of various officers and also the Executive Magistrate, reflects that there was videography done at the SOO and also postmortem of the deceased. Upon the same coming to the knowledge of this Court, this Court vide order dated 06.01.2026, 9.2.2026, 23.02.2026, 16.03.2026 and 7.4.2026 has been consistently asking the State to produce the videography of the SOO and the postmortem. The then Executive Magistrate upon being directed by this Court, appeared before it and informed the Court that though he has conducted the inquest proceedings, the tapes were not in his possession and that they were in the custody of the police itself, who had called the photographer and the videographer. He has stated the same on affidavit. On 6.4.2026, affidavit of one Virendra Pal Singh has been filed on behalf of the State, who is presently posted as S.H.O. of P.S Dannahar, District Mainpuri. This was necessary as the videography of the SOO and the postmortem were untraceable.

9. It is the case of the respondent State and the police officers that the videography along with all the documentation was sent to the National Human Rights Commission (hereinafter referred to as NHRC) before which the father of the deceased had preferred a complaint. On 25.5.2009, as reflected in paragraph 7 of the said affidavit, the NHRC called for a report from the police upon which, the then SP Mainpuri submitted his report to the NHRC on 31.8.2009 (a copy of which has been annexed to the affidavit as annexure-4). The same is a letter addressed to the SSP with the NHRC giving details of the incident that had taken place on that day and the action taken by the police. The S.P. who sent the said letter to the NHRC is Mr. D.K. Rai. As far as the annexed documents are concerned, it is described "as

above", but no description of a single document or article is given that may have been sent to the NHRC. From the said letter, it is impossible to arrive at a finding that the videography of the SOO and the postmortem were ever sent to the NHRC. During course of oral submissions, learned Standing Counsel for the State has repeatedly stated that though the said letter does not give the description of the documents/articles sent to the NHRC, the videography was indeed sent to the NHRC. The said submission is rhetorical as the basis for the same has never been clarified by the State.

10. Taking into consideration the said submissions, this Court in paragraph 9 of its order dated 7.4.2026 directed the Registrar of the NHRC to forthwith return the videography/photographs and all such documents that were sent to it by the police and that the documents shall be given to a person authorized by the State Government who shall take custody of the same, prepare an index of the documents that have been received from the NHRC and place the entire records/evidences before this Court.

11. The continued attempts by this Court to secure the videography are on account of an observation in the postmortem report, which while recording the external ante-mortem injuries, notes the presence of a knot mark/knot impression on the right side behind the ear. The same is inconsistent with the story of the police which says that the deceased hanged himself using his leather belt. If that be the case, the doctor conducting the postmortem should have seen the impression of the belt buckle on the neck and not a knot mark. A Knot mark is visible when a rope is used for hanging and the knot on the rope leaves its impression against the skin. As regard the internal injuries, upon the dissection of neck, the doctor has found "Hyoid bone intact , III, IV, V Tracheal Rings fractured, Epiglottis, Larynx both congested". The fracture of the tracheal rings are more probable in a case of strangulation rather than hanging. The tracheal rings may fracture in a case of judicial hanging where the body drops from height, but improbable in a case where the deceased may have hanged himself with his feet almost touching the

ground and more so where the person is suffering from 40% physical disability. This raises a reasonable suspicion if the deceased Nahar Singh was first strangled within the police station and then to escape charges of custodial death or murder, his body was strung up in the urinal side inside the lockup by the police personnel. The only way the same can be ascertained is by viewing the videography of the SOO (which would reveal whether the body of the deceased was in a partial hanging position or a complete hanging position and whether there were marks on his body revealed in the postmortem report but not recorded by the doctor under duress of the police).

12. The letter sent by the present SHO to the NHRC in 2026, reveals that videography was sent to the NHRC but the said letter does not give any details of the date on which the same was sent to the NHRC, and neither does he state his source of information as, the incident is of 2010, the NHRC closed the case in 2011 and in 2026, the present SHO, who probably was never posted in the same PS on the date of the incident, stating after fifteen years that the videography was sent to the NHRC, probalises the suspicion of this Court that the police may be attempting to pass the buck of producing the videography on to the NHRC. The Police/State is the second institution, which has failed in this case. As of now, it appears that its unwillingness to produce the videography is perhaps to conceal a crime. This is more so because repeated interactions with the State during the course of the hearings, the Police/State was unable to convince this Court that the said video recordings had ever left the possession of the police.

13. No appeared on the last date of hearing on behalf of the NHRC despite being served. Before the NHRC, the complaint made by the father of the deceased was looked into. A report was called from the police and then based upon the said report of the police, the NHRC vide its report dated 8.10.2011, closed the case. The contents of the said proceedings closing the case, are extracted and reproduced below:

"The Commission received a complaint from Shaitan Singh Yadav of village Salempur, District Mainpuri alleging that his son Nahar Singh was taken away by S.O., P.S. Dannahar, from his house on 9.5.2009 and an amount of Rs.50,000/- demanded for his release. At about 12.00 in the night, the complainant himself was taken to the police station and there he saw the body of his son hanging from a belt in the lockup room. The complainant alleged that his son had become a victim of police atrocity.

On perusal of various reports, we find that the son of the complainant had a love affair with a girl named Suman. The boy and the girl were both taken to P.S. Dannahar on 8.5.2009. The father of the girl was also called there. The parties agreed that the boy and girl would be tied in nuptial knot. Later on, the father of the girl resiled and refused to give his daughter in marriage to the son of the complainant. The boy then went to the police station in frustration and pleaded with the police to persuade the father of the girl to solemnize the marriage. The police refused to intervene. Then the boy went to the toilet in the police station and committed suicide by hanging himself.

Shaitan Singh, the complainant was examined by SDM, Mainpuri who conducted an enquiry into the circumstances of death. He did not make any allegation against the police during the enquiry. The Magistrate, therefore, concluded that it was a case of suicide.

We find that there was no criminal case against the son of the deceased and he was not in the custody of the police. The police was under no obligation to keep an eye on him. Therefore, if he committed suicide in frustration, the police personnel cannot be blamed for negligence. The case is closed." (emphasis added)

14. The report of the NHRC reproduced hereinabove reveals that it did nothing by way of an independent investigation at its end. It is unfortunate that the manner in which the worthy NHRC has investigated this case is most disappointing. The above proceedings clearly reveals that no attempt

was ever made to record the statement of the father of the deceased or any of the witnesses who were known to the deceased. It has not recorded the statement of the girl with whom the deceased was in romantic liaison or her parents. It has not sent any team to record the statement of the neighbours or the police men present at the police station on that date of occurrence. In fact, the NHRC has not recorded the statement of any witness or a person who may have had knowledge about the case and neither has the NHRC sought the assistance of the State Human Rights Commission (hereinafter referred to as the "SHRC") to send its team to record the statement of the witnesses and forward the same to the NHRC. Instead, the report of the NHRC has simply accepted the reports given by the SDM and the police as gospel truth without appreciating that in a case of custodial death, the police and the State administration are the most interested parties in order to hush up the crime and pass the same off as a suicide. If this is all that the NHRC was required to do and close the case of custodial death purely on the version given by the police which is an interested party, without seeking independent evidence from neutral witnesses within the family of the deceased, calls into question the very existence of the NHRC. Prima facie, this is the third institution that has failed in the present case, but this Court reserves its final findings on the conduct of the NHRC after hearing its counsel. As regards the videography the communication between the police and the NHRC in 2026, does not reveal that the NHRC had ever received videography. The report of the NHRC dated 08.10.2011 also does not refer to it having examined any videography or photographs of the SOO to arrive at the opinion that the deceased committed suicide. Therefore, there is reasonable cause to believe that the videography always remained with the police.

15. As repeated attempts by this Court to secure the videography relevant in this case, which was done almost sixteen years ago have borne no fruit and with the State and the police being evasive in their response, this Court directs the Central Bureau of Investigation (CBI) through its ACB office at

Ghaziabad, to secure those video recordings within a period of sixty days from the date of this order. While doing so, it is requested that there is no necessity to register an FIR at this stage as it would be acting under the directions of this Court. After securing the same, they shall produce it before this Court on the next date of hearing.

16. Learned counsel for the petitioner is requested to make Central Bureau of Investigation through its In-charge, ACB Office, Ghaziabad as respondent no.7, during the course of the day.

17. List this case on 10th August, 2026.

May 18, 2026
Noman

(Siddharth Nandan,J.) (Atul Sreedharan,J.)