

The Cover-Up

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On a wintry night in Surankote of Poonch District, Jammu and Kashmir, a young Probationary SI was returning from Patrolling duty along with his staff. The stillness of the night was shattered by a gunshot. The PSI fell in the lap of his driver and died instantaneously. Militancy had claimed yet another victim. Was it really so?

On 13.10.1998 SP SOG (Special Operation Group) Surankote lodged a complaint in P.S. Surankote stating therein that PSI Ajay Gupta while returning from patrolling duty along with his 2 gunmen in a B.P. Gypsy was ambushed. He received a bullet injury in his head and died. The gunmen retaliated the fire. A case in Cr.No. 172/1998 U/s 302, 121, 122, 120-B RPC r/w 7/25, 26, 27 I.A.Act was registered by S.H.O. Surankote. Inquest was conducted, the weapons – One SLR and one AK - 47 of the gunmen were seized. The vehicle along with blood soaked clothes of the driver was seized.

The family of the deceased suspected foul play. The case was transferred to the Crime Branch, J & K Police on 12.01.1999 (3 months after the incident). The Addl. SP Crime branch was entrusted with the investigation. The I.O. proceeded to Surankote and visited the scene of offence. The spot was not an ideal place for an ambush. A doubt was created in the mind of the I.O. Certain other things reinforced this doubt:

- The B.P. Gypsy was immediately washed and cleaned after the incident – *Why and on whose instructions?*
- The earlier I.O. (S.H.O. Surankote) seized the vehicle after a couple of days – *Why this delay?*
- The deceased was wearing a collared T – Shirt under his uniform – *a bit unusual.*
- Only one Gunman i.e., Satpal Singh retaliated the fire – *Why didn't the other gunmen fire?*
- Only 3 empties were recovered from the scene of offence – *How can firing be so limited in an ambush?*

The I.O. began with the examination of witnesses, in particular the Police Officials. They stuck to the ambush theory. On the 3rd round of re-examination, contradictions started appearing in the version of 3 eyewitnesses i.e., Driver of the vehicle and the 2 gunmen accompanying the deceased. *Finally the truth was revealed.*

On the fateful day the SP (SOG) organized a small party at his residence, which was attended by the deceased besides some Army Officers and a civilian contractor. The Army Officers left after a while along with the contractor. However, the contractor returned with some liquor bottles. PSI Ajay Gupta and the contractor consumed drinks in the house of the SP (SOG). Later, the contractor requested the SP to get him dropped. The SP asked PSI Ajay Gupta to do the same. He also asked PSO Satpal Singh to accompany them. Ajay Gupta along with 2 gunmen (one of whom was Satpal Singh) went to drop the contractor at his residence in his B.P. Gypsy. On the way back, Satpal Singh sat on the rear seat behind the PSI. Suddenly a single shot was heard and the officer fell in the lap of the driver. The driver turned around and saw the door of the vehicle closed. He also observed Satpal's SLR pointing towards the PSI. The driver questioned Satpal as to why he had fired. Satpal claimed that the fire had come from outside. *But how? The door was closed. It was a B.P. Gypsy.*

Satpal Singh jumped out of the vehicle and randomly fired 2 rounds. The driver, PSO and nearby CRPF patrolling party personnel overpowered him and snatched his weapon. The driver rushed to the SP (SOG) along with the weapon and informed him that Satpal had killed Ajay Gupta. The SP asked him to shut up and took the weapon from him. The same SLR was again seen with Satpal Singh after some time at the

hospital where Ajay Gupta was taken. It was now clear that Satpal Singh had killed PSI Ajay Gupta. *But why? What was the motive?*

Investigation revealed that few months prior to this incident, SP (SOG) had a scuffle with PSI Ajay Gupta on a minor issue. The SP slapped the PSI and in the tussle the turban of SP fell to the ground. Both officers cocked their weapon and threatened to kill each other. Since that day inimical terms developed between them. The SP decided to take revenge. He tutored his loyal, Constable Satpal Singh using religious sentiments.

On 13.10.1998, they got an opportunity. When Abdul Khaliq (contractor) asked to be dropped, the SP readily agreed. He took Satpal Singh to his bedroom and asked him to eliminate the PSI, showing it as an encounter. When Ajay Gupta was going to drop Khaliq, the SP ensured that Satpal accompanied them. On the way back, Satpal Singh executed the plan and killed Ajay Gupta.

While the account of witnesses (including eyewitnesses) was sufficient to prosecute the accused, the I.O. felt that the chances of witnesses turning hostile were quite high due to the involvement of a Senior Officer of the same department. It thus became necessary to collect supporting evidence. Three empty cartridges were seized from the scene, along with the SLR of Satpal Singh. The Ballistic Expert opined that all the three had been fired from the seized weapon.

On reconstruction of the scene, the experts opined that the angle at which the bullet hit the deceased could be possible only if it was fired from the rear side. Also as per medical opinion the cause of death was multiple skull fractures and injury to the brain matter that can be caused only by a close range high velocity gunshot (This is not possible in an ambush).

The blood stained clothes of the driver along with blood stained clay was sent to FSL. The Expert opined that these matched with the blood group of the deceased. Satpal Singh was subjected to polygraph test. Although there is no evidentiary value, it became clear that he was not speaking the truth about the incident.

The SP also instructed his subordinates to take off the civil dress from the body of the deceased, and put on the uniform. They were unable to remove the T- Shirt and put the uniform shirt over it. Satpal Singh burnt the trousers taken off from the body of the deceased behind the hospital. Half burnt pieces of the same were later seized by the I.O. from the site. The driver was instructed by the Officer to clean the vehicle, being fully aware that the vehicle was required to be seized by the Police. He also influenced the S.H.O. to book a false FIR. He made false entry in the daily diary of SOG. The same was sent to FSL along with admitted writings of the SP and matched perfectly. Thus, the attempt by the accused to cover up the entire issue snowballed and created further evidence against them.

On the basis of facts and circumstances as revealed during the investigation supported by oral and material evidence, SP (SOG) Sri. Sewak Singh and Constable Satpal Singh were arrested U/s 302, 201, 109, 218 r/w 120-B RPC r/w 27 I.A. Act for the murder of PSI Ajay Gupta. Station House Officer, Surankote who had registered a false FIR under the influence of Sri. Sewak Singh was cited as A-3, liable to be prosecuted U/s 218 and 201 RPC. The investigation was completed within three months of its entrustment to the Crime Branch. The accused are presently lodged in Jammu Jail and the case is under trial.

[The writer was the Addl. SP (Crime) Jammu who investigated this case].

Note: In the State of Jammu and Kashmir, Ranbir Penal Code (RPC) is applicable in place of Indian Penal Code.