

## **LFHRI seeks intervention of President of India in stopping the execution of Balwant Singh.**

The Lawyers For Human Rights International (LFHRI) seeks intervention of President of India in stopping the execution of Balwant Singh Rajoana detained in Patiala Jail. In a letter written to the President of India, Navkiran Singh General Secretary of NGO, LFHRI said that the judgement vide which the death sentence of Balwant Singh has been confirmed is under appeal before the Supreme Court of India. He also said that in India no one has been executed since 2004 and the India though one of the retentionist country's uses Death Penalty only in rarest of rare cases and can join the line of 140 Nations which have done away with the death Penalty in Law or Practice.

To,

Hon'ble Pratibha Patil Singh,

President of India,

Rashtrapati Bhawan.

New Delhi.

Subject :- Regarding seeking your intervention in stopping execution of Balwant Singh detained in Patiala Jail.

That on 31.8.1995 a bomb blast took place in the Punjab and Haryana Civil Secretariat, in which 17 persons got killed, including the then Chief Minister of Punjab S.Beant Singh. As per the prosecution story Dilawar Singh who acted as a human bomb, triggered the blast which led to the death of 17 peoples. An FIR was registered at Police Station Sector-3, Chandigarh and the investigation of the case was handed over to CBI, which registered its own FIR No.CBI RC 9/S/95/SIU-V/CBI/SIC.II, New Delhi, under Sections 120-B, 302, 207 IPC and Section 3/4 of Explosive Substance Act dated 01.09.1995 and after the challan was filed, a Special Judge of Chandigarh tried Jagtar Singh Tara, Navjot Singh, Nasib Singh, Shamsheer Singh, Balwant Singh and Jagtar Singh Hawara, whereas some other accused who were residing abroad were declared as proclaimed offenders.

The Special Judge CBI decided the case on 31.7.2007, vide which Jagtar Singh Hawara and Balwant Singh were sentenced to death and Nasib Singh was sentenced to 10 years Rigorous

imprisonment under the Explosive Substance Act 1984 and Shamsher Singh was sentenced to life imprisonment, whereas Navjot Singh was acquitted by the learned trial court.

The trial court sent a murder reference to this Hon'ble Court i.e. Murder Reference No. 6 of 2007, which was heard along with Criminal Appeal No.731-DB/2007 which was an appeal by Jagtar Singh Hawara and others against their conviction, however Balwant Singh refused to file any appeal. That vide judgment dated 12.10.2010 an Hon'ble Division Bench of Punjab & Haryana High Court after calling Balwant Singh accused in the Court and offering him legal assistance, on his refusal to defend himself through his own counsel or a counsel by the State, confirmed the death sentence of Balwant Singh, however converted the death sentence of Jagtar Singh Hawara to life imprisonment.

The C.B.I. has challenged the judgment of this High Court dated 12.10.2010 in Murder Reference No.6 of 2007 and Criminal Appeal No.731-DB/2007 and the same was listed before Hon'ble Supreme Court of India on 5.12.2011 in which the Hon'ble Supreme Court has granted leave to appeal.

In the meantime since Balwant Singh, who had made a confession of his crime before the learned Trial Court and had refused to file an appeal in the Hon'ble High Court and had also refused to accept a counsel at the state expense, the court of Additional Sessions Judge Chandigarh vide its order dated 5.3.2012 fixed the date of execution of death sentence of Balwant Singh at 9.00 AM on 31.3.2012.

Since the judgment vide which the death sentence of Balwant Singh has been confirmed is under appeal before the Hon'ble Supreme court of India and the Special Leave Petition filed by the C.B.I. against the conviction of Jagtar Singh Hawara has been admitted by the Hon'ble Supreme Court of India on 5.12.2011, also another co-accused Lakhwinder Singh, has already challenged his conviction vide the same judgment, the order of conviction cannot be treated as final.

We may kindly also visualise a situation, where the Supreme Court acquits Jagtar Singh Hawara and Balwant Singh in the matter, whereas Balwant Singh has already lost his life due to execution of his death sentence as a consequence of orders passed by learned Additional Sessions Judge, Chandigarh dated 5.3.2012 . It would be great in- justice and the judicial system would not be able to justify the hurried action of it's in executing Balwant Singh, as by that time the life of Balwant Singh had already been snuffed and irreparable loss could have been caused, which cannot be reversed.

Also India has not executed anyone since 2004. Now Balwant Singh Rajoana is going to be executed on 31st March 2012 in Patiala, Punjab, India. His conviction is based on his confession of his crime, whereas other Co-accused fate is still to be decided by the Supreme Court Of India.

India though one of 58 retentionist country's, uses Death Penalty only in rarest of rare cases. India

has only 22 cases of pending execution of death penalty cases for a population of over 2 billion people and can easily do away with this cruel & degrading method of punishment and join the line 140 compassionate nations which have done away with Death Penalty in Law or Practice.

We seek your kind intervention in the matter to save Life of Balwant Singh by giving him an alternative punishment.

Navkiran Singh, Advocate, General Secretary,

Lawyers For Human Rights International.

[www.lfhri.org](http://www.lfhri.org).