

Government of Jammu and Kashmir
Home Department
Civil Secretariat, Jammu/Srinagar

Phone.No. 0191-2547169-(J)
0194-2506262-(S)

NOTIFICATION

Jammu, the 1st December, 2020

SO- 370 Whereas, an occurrence of crime has taken place resulting in death of Mrs. Neha Kumari W/O Vivek Bassan R/O H. No. 6 Ustad Mohalla, Jammu under suspicious circumstances on 26-2-2018 due to a gunshot injury caused from the service pistol of her husband Vivek Bassan, Inspector of J&K Police; and

2. Whereas, during the course of inquest proceedings Sh. Deeraj Nagpal then SHO P/S Pacca Danga alongwith FSL team inspected the scene of crime (SOC) on 26-2-2018 i.e store room adjoining the bed room in H.No.6 Ustad Mohalla, Jammu and prepared the site plan, lifted blood stained samples and seized exhibits mentioned as under:

1. Blood stained socks marked as Exhibit-A.
2. Gluck Pistol No. AADG653 with Magazine, marked as Exhibit-B.
3. one empty cartridge and one fired bullet, Marked as exhibit C.
4. two live cartridges for test fire, Marked as Exhibit-D.
5. Samples of Blood stains taken from the wall of the store room, Exhibit-E.
6. Samples of bullet hit marks taken from the wall and roof of the bed room, marked as exhibit F&G.

7. *Blood stained cloths of deceased Mst. Neha Kumari and accused Vevik Bassan, marked as exhibits H & I.*

8. *Blood samples of smudged hand fingers and blood drop lets taken from the wall in the Store room, marked as exhibit J and K.*

9. *three mobile phones i.e. Vivo Black colour bearing IMEI No. 1911510855917163/62, BLYF Black colour IMEI No. 865244034828259/42 and Oppo black colour IMEI No. 866945032371956/49.*

3. Whereas, the exhibits marked A, E, H, I, J & K were forwarded to FSL, Srinagar vide letter No. SDCN/2018/3310-11 dated 09-3-2018 and exhibits marked as B,C, D, F, G were sent to FSL Jammu vide letter No. SDcN/2018/3167-68 dated 07-3-2018 by SDPO City North, Jammu for expert opinion; and

4. Whereas, during inquest proceedings accused Vivek Bassan husband of the deceased lady has been found involved in the crime; and accordingly Case FIR No. 85/2018 U/S 498-A, 304-A RPC, 30 Arms Act came to be registered in Police Station Pacca Danga against the accused Vivek Bassan on 15-8-2018 and investigation of the case set into motion; and

5. Whereas, a criminal writ petition was filed by the father of the deceased lady namely Neha Kumari in the Hon'ble J&K High Court at Jammu for transfer of investigation of the case to CBI, Jammu; and

6. Whereas, Hon'ble J&K High Court vide order dated 28th January, 2019 directed for transfer of investigation of the case FIR No. 85/2018 Police Station Pacca Danga from J&K Police to CBI, Jammu for further investigation; and

7. Whereas, a case bearing registration No. RC0042019S0002 was registered in Police Station CBI, ACB, Jammu under section 498-A, 304-B RPC 30 Arms Act on 26-3-2019 against the accused Vivek Bassan R/O H. No. 6 Ustad Mohalla, Jammu on the basis of case FIR No. 85/2018 Police Station Pacca Danga, Jammu; and

8. Whereas, during investigation it was revealed that Sh. Rajinder Singh Jamwal while posted as Scientific Officer (HOD) Ballistic Division, FSL Jammu in his capacity as Incharge Ballistic Division FSL, Srinagar during 26-2-2018 to 28-2-2019 knowingly and willfully framed incorrect record and deliberately prepared false reports dated 16-5-2018 and 26-2-2019 with the intention to help out the accused Vivek Bassan in the case registered against him in respect of suspicious killing of his wife Mrs Neha Kumari deceased; and

9. Whereas, Sh. Rajinder Singh Jamwal then Ballistic Expert, FSL Jammu alongwith Sh. Deeraj Nagpal then SHO Police Station Pacca Danga constructed scene of occurrence on 28-2-2018 by arranging the seized exhibits i.e. Pistol shown and then marked suspected hit marks H1 on the ceiling and H2 on the wall of the bed room and an scrapping sample of H1 and H2 though, there was no photographic evidence that the bullet hit mark of H1 and H2 were existing on 26-2-2018 i.e. on the actual date of occurrence; and

10. Whereas, Sh. Rajinder Singh Jamwal and Sh. Deeraj Nagpal then SHO Police Station Pacca Danga again visited the scene of occurrence on 02-3-2018 and took the scrapping sample of bullet hit

marks H1 and H2 with the help of knife arranged from the house where the occurrence had taken place; and

11. Whereas, Sh. Rajinder Singh Jamwal had prepared incorrect records and framed ballistic opinion without any logical basis vide report No. 42/BLS/FSL dated 26-4-2018 with a mention therein that hole in skin piece marked RB32/18 was gunshot entry hole and was caused due to fire arm having caliber 9mm and in report No. 51/BSL/FSL dated 16-5-2018 the accused mentioned that 9mmX19mm ammunition bullet marked RB 140/18 was fired from 9mm caliber semi automatic Glock Pistol marked as RB138/18 and 0.008G cement plaster like material removed from nose of the 9mmX19mm ammunition fired bullet marked as RB 140/18 was found similar to the cement like material marked RB144/18 and also vide report No. 41/BSL/FSL dated 26-2-2019 he furnished his opinion that it was a case of contact fire and exhibits H1 and H2 were bullet hit marks and as such possibility of suicide cannot be ruled out; and

12. Whereas, during further investigation it was revealed that there were serious inconsistencies and contradictions in the statements of accused Deeraj Nagpal then SHO P/S Pacca Danga and Sh. Rajinder Singh Jamwal in respect of date of photography of bullet hit marks and date of sampling and the scene of crime has been tampered with manipulated to ensure escape of the accused Vivek Bassan; and

13. Whereas, investigation has further revealed that Sh. Rajinder Singh Jamwal in pursuance of criminal conspiracy hatched

with accused Vivek Bassan and Sh. Deeraj Nagpal has submitted a fabricated and manipulated reports to the investigating agency in respect of many visits to the scene of crime (SOC), reconstruction of scene of crime, hit marks of H1 and H2, presence of Nitrite in any of the hit marks, closed range fired from the fire arms, etc; and

14. Whereas, during investigation the report of reconstruction of the scene of crime obtained from experts of CFSL, New Delhi vide report No. CFSL-2019/F/879 dated 09-12-2019 opined that on the basis of examination of scene of crime on 20-9-2019 and reconstruction of scene of crime on 22-9-2019, the report of the FSL, Jammu prepared by Sh. Rajinder Singh Jamwal was contradictory with the report of the doctor who had conducted post mortem on the dead body of Mrs Neha Kumar w/O accused Vivek Bassan; and

15. Whileas, Sh. Rajinder Singh Jamwal in his capacity as public servant and head of the Department of Ballistic Division, FSL Jammu had prepared false reports to help out the accused Vivek Bassan from legal punishment as envisaged in the provisions of law; and

16. Whereas, Sh. Rajinder Singh Jamwal then Ballistic expert FSL, Jammu has committed offence under section 120-B r/w 218 of IPC as prima facie established by the investigation conducted by CBI, ACB Jammu in the case registered by the CBI on the direction of Hon'ble J&K High Court vide order dated 28th, January 2019; and

Now, therefore, in exercise of powers conferred by section 197 Cr. PC, the Government hereby accords sanction for launching prosecution against the accused Sh. Rajinder Singh Jamwal then Scientific Officer, HOD, Ballistic Division, FSL Jammu now retired in the case No. RC0042019S0002 of CBI, ACB Jammu under section 120-B r/w 218 IPC for judicial determination by the competent court of law.

By order of the Government of Jammu & Kashmir.

Sd/-

Principal Secretary to Government
Home Department.

No:-Home/Pros-FSL/09/2020

Dated:-01-12-2020

Copy to the:-

1. Joint Secretary, J&K Ministry of Home Affairs, GOI
2. Director General of Police, J&K Jammu. The CD file in original is returned herewith.
3. Commissioner Secretary to General Administration Department, Civil Secretariat, Jammu
- ✓ 4. Secretary to Government, Department of Law, Justice & PA
5. Sr. Superintendent of Police, CBI (ACB), Jammu alongwith (10) envelops (*Volume 1,2,3,4,5, volume 6 (Part I, II), volume, 7 (Part I, II), volume, 8 (part I, II), volume 9 (part I, II) & volume 10.*)
6. Director Forensic Science Laboratory (FSL) J&K, Jammu.
7. P.S to Principal Secretary (Home) Department for information of the Principal Secretary (Home).
8. Stock file.

(Dr. Gh. Mohi-Ud-Din)

Special Secretary to Government
Home Department.