

---

# CASE ANALYSIS: JAGBIR V. STATE OF PUNJAB, AIR 1998

## SC 3130

---

Jay Wadhwa & Aditie Sinha, Symbiosis Law School, Noida

### INTRODUCTION

Jagbir v State of Punjab, AIR 1998<sup>1</sup>, is a landmark case in the Indian legal system, which dealt with the question of extrajudicial confessions and their admissibility in a court of law. The case is significant in that it clarified the legal position on the admissibility of extrajudicial confessions and provided guidance to the lower courts on the appropriate approach to such evidence.

Due process of law refers to the principle that the government must follow fair and just procedures when it takes action that affects the rights and interests of individuals. It is a fundamental principle of the rule of law that ensures that the government acts in a fair and impartial manner, and that individuals are protected against arbitrary or unjust actions by the state.<sup>2</sup> A violation of due process of law occurs when the government fails to follow fair and just procedures, or when an individual's rights and interests are not protected in accordance with the law. This can happen in a variety of contexts, such as during a criminal trial, in a government administrative proceeding, or in the enforcement of a law or regulation.

Every citizen's life and individual freedom are safeguarded under Article 21 of the Indian Constitution. It declares that no one may be robbed of their life or personal freedom until doing so in accordance with the legal process. This means that any sustained interrogation or questioning by the authorities must be done in accordance with the legal procedures and protections guaranteed under the constitution and Indian laws. The article ensures that individuals are not subjected to arbitrary detention or abuse of power by the state or its agents.

### BACKGROUND

Jagbir was accused of the murder of his wife, who was found dead in the bathroom of their

---

<sup>1</sup> <https://main.sci.gov.in/jonew/judis/13013.pdf>.

<sup>2</sup> Arrest and Detention in India: Law, Procedure and Practice, D Dube, S Bedi

home. During the investigation, Jagbir was arrested and interrogated by the police. He made several statements during the interrogation, including an extrajudicial confession, in which he allegedly admitted to the murder of his wife. The confession was recorded by the police in writing and was produced as evidence in court. While in custody, he was subjected to severe physical and mental abuse by the police officers, causing him to sustain serious injuries. The petitioner approached the Supreme Court alleging that his constitutional rights under Article 21 (the right to life and personal liberty) had been violated.

The petitioner challenged the constitutionality of the police action and sought relief for the violation of his fundamental rights guaranteed under Article 21 of the Indian Constitution, which guarantees the right to life and personal liberty. He submitted that the police action was violative of his right to life and personal liberty and that he was subjected to torture and inhuman treatment while in police custody.

Extrajudicial confessions refer to statements made by a suspect outside of a formal legal proceeding, such as in police custody or to a non-law enforcement person.

The Indian Evidence Act of 1872 allows for the admission of confessions made to a police officer only if the confession was made voluntarily and in the presence of a Magistrate. However, the courts have recognized that such confessions are often obtained through coercion or duress, and therefore have limited their admissibility.

Every citizen of India is guaranteed the right to life and personal freedom under Article 21 of the Constitution. In the case of *Jagbir Singh v. State of Punjab* (AIR 1998), the Supreme Court of India interpreted the scope of this fundamental right in the context of police custody. The Court held that the right to life under Article 21 includes protection against torture and inhuman or degrading treatment, and that the state is obligated to ensure that no individual is subjected to such treatment while in police custody. The Court also emphasized the need for proper record-keeping and medical examination of individuals in police custody to prevent abuses and ensure accountability.

Jagbir argued that the confession was obtained through coercion and was therefore inadmissible as evidence. The prosecution argued that the confession was voluntarily made and was therefore admissible as evidence.

**The two main issues in the case were:**

**1. Illegal detention in police custody:**

The case of *Jagbir v State of Punjab* dealt with the issue of illegal detention in police custody. The Supreme Court of India considered the case of a person who was arrested and detained by the police for several days without proper justification or reason, in violation of the person's fundamental right to life and personal liberty as guaranteed by Article 21 of the Indian Constitution.

**2. Violation of due process of law:**

The case also dealt with the issue of violation of due process of law. The Court held that the arrest and detention of the person was in violation of the due process of law, as the police had acted in an arbitrary, unjust, and unreasonable manner without following the procedure established by law. The Court emphasized the importance of the state following the due process of law and respecting the rights of every person, including the right to life and personal liberty.

## **ANALYSIS**

Illegal detention in police custody is a serious violation of an individual's fundamental rights guaranteed by the Indian Constitution. The right to life and personal liberty is enshrined in Article 21 of the Constitution, which provides that no person shall be deprived of his life or personal liberty except according to the procedure established by law.<sup>3</sup>

One of the landmark judgement other than *Jagbir v State of Punjab*, AIR 1998 SC 3130 is the case of **D.K. Basu v State of West Bengal (1997)**,<sup>4</sup> in which the Supreme Court of India laid down several guidelines to prevent incidents of illegal detention in police custody. The Court emphasized the importance of the police following the due process of law, and ordered the police to ensure that all arrest and detention procedures are recorded in a police diary, and that the person is produced before a magistrate within 24 hours of arrest.

---

<sup>3</sup> Arrest and Detention in India: Law, Procedure and Practice, D Dube, S Bedi

<sup>4</sup> <https://www.alec.co.in/judgement-page/dk-basu-v-state-of-west-bengal>.

Another landmark case of illegal detention can be the case of **Sheela Barse v State of Maharashtra (1983)**<sup>5</sup>: This case dealt with the issue of the illegal detention of a journalist by the police. The Supreme Court of India held that the arrest and detention of the journalist was in violation of Article 21 of the Indian Constitution, and ordered the release of the person from police custody. The Court also directed the state to compensate the person for the illegal detention. **Sheela Barse v State of Maharashtra (1983)**: This case dealt with the issue of the illegal detention of a journalist by the police. The Supreme Court of India held that the arrest and detention of the journalist was in violation of Article 21 of the Indian Constitution, and ordered the release of the person from police custody. The Court also directed the state to compensate the person for the illegal detention.

Taking the issue of violation of due process of law, one cannot simply leave the judgement of **Maneka Gandhi v Union of India (1978)**.

In this case, the Indian Supreme Court ruled that Article 21 of the Indian Constitution's right to life and personal liberty also includes the right to a fair trial. The Court stressed the significance of justice and neutrality in all government acts, holding that the government cannot limit someone's personal freedom without observing due process of law.

The Court held that the government must follow the principles of natural justice and provide an opportunity to the person to be heard before taking any action that affects their rights. The Court also held that the procedure established by law must be reasonable, fair, and just, and that the government must act in a reasonable and just manner.

The Maneka Gandhi case is considered to be one of the most important judgments on the violation of due process of law in India, as it has had a far-reaching impact on the protection of individual rights and the administration of justice in the country. The case has been widely cited in subsequent cases and has been instrumental in shaping the development of the law on due process of law in India.

Due process of law is an essential aspect of the rule of law and a cornerstone of democratic societies. It ensures that individuals are protected against arbitrary actions by the state and that

---

<sup>5</sup> Air 1983 Supreme Court 378,  
<https://www.aironline.in/legaljudgements/AIR+1983+SUPREME+COURT+378>.

the government follows fair and impartial procedures in all its actions<sup>6</sup>. A violation of due process of law can take many forms, including the failure of the government to provide a fair and impartial trial, the arbitrary detention of individuals, the restriction of individual rights without proper justification, and the failure to provide an opportunity for individuals to be heard before taking action that affects their rights.<sup>7</sup> The consequences of a violation of due process of law can be significant, as it can result in the infringement of individual rights and the erosion of public trust in the government and the legal system. It is important for the government to ensure that all actions are taken in accordance with the principles of due process of law to prevent such violations and to maintain the rule of law.

Taking note of the other legal issue which was illegal detention in police custody, it can have significant consequences for the individual, including physical harm, emotional distress, and the infringement of their rights.

In order to prevent illegal detention, it is important for the police to follow the proper procedures and to act in accordance with the law. This includes providing individuals with the opportunity to challenge their detention, ensuring that they are treated with dignity and respect, and providing them with access to legal counsel.

Taking the note of *Jagbir v State of Punjab*, the Supreme Court of India, in a unanimous decision, held that the extrajudicial confession was inadmissible as evidence. The court held that an extrajudicial confession is not admissible as evidence unless it is shown to be voluntarily made. In determining whether a confession is voluntary, the court must take into account all the circumstances surrounding the making of the confession, including the age, education, and mental condition of the accused, the length of time he was in police custody, and the manner in which the confession was obtained.

The court went on to state that an extrajudicial confession obtained through coercion or torture is inadmissible as evidence, regardless of whether the accused was aware that he was making a confession. The court emphasized that the confession must be free from any inducement, threat, or promise, and that it must be made voluntarily and of the accused's own free will.

---

<sup>6</sup> Vashist, L. (2013). Book Review: Arrest, detention, and criminal justice system: study in the context of the constitution of India.

<sup>7</sup> Singh, A. K. (2021). Deconstructing Police Powers under Criminal Procedure Code 1973. *Issue 3 Int'l JL Mgmt. & Human.*, 4, 2491

## CONCLUSION

Jagbir v State of Punjab, AIR 1998, is a landmark case in the Indian legal system, which dealt with the admissibility of extrajudicial confessions in a court of law. The case clarified the legal position on the admissibility of extrajudicial confessions and provided guidance to the lower courts on the appropriate approach to such evidence. The decision of the court emphasized that an extrajudicial confession must be voluntarily made and free from any inducement, threat, or promise, and that it must be made of the accused's own free will. The case is significant in that it reinforced the importance of protecting the rights of the accused and ensuring that evidence is obtained in a manner that is fair, impartial, and in accordance with the principles of natural justice.

This landmark case has been the backbone of various regulations issued by the Apex Court which is to be followed with due process while taking an individual into police custody and it has also laid down guidelines on extrajudicial confessions. The court in this case held that the extrajudicial confession was not voluntarily made and was obtained through coercion. The court found that Jagbir was subjected to sustained interrogation, which resulted in a confession that was not voluntarily made. The court stated that the confession was the result of the police's use of threats and intimidation, which had created an atmosphere of fear and panic that was not conducive to a free and voluntary confession.