

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH  
AT JAMMU**

Case No:- WP(C) No. 2255/2026

Premlata Manhas

.... Petitioner(s)

Through: Mr. K. Nirmal Kotwal, Sr. Advocate with  
Ms. Surbi Kotwal, Advocate  
Mr. Pawan Dev Singh, Advocate

**Vs**

UT of J&K and Ors.

..... Respondent(s)

Through: Ms. Chetna Manhas, Advocate vice  
Mrs. Monika Kohli, Sr. AAG.

**Coram: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

**ORDER**

**22.07.2026**

1. Issue notice.
2. Ms. Chetna Manhas, learned Assisting Counsel appearing vice Mrs. Monika Kohli, learned Senior AAG, waives notice on behalf of the respondents. With the consent of learned counsel for the parties, the matter is taken up for final disposal at this stage, as the relief sought is of an emergent nature.
3. Learned counsel for the petitioner submits that the petitioner's husband, **Mr. Yashpal Singh**, who was serving as Chief Manager, Indian Oil Corporation Limited, Zewan Depot, Srinagar, died under mysterious circumstances on 18.07.2026. It is submitted that the family immediately rushed to Srinagar on receiving information of his death; however, before they could reach, the post-mortem examination had already been conducted without the presence or knowledge of the petitioner.

4. It is contended that, after seeing the body of the deceased, the petitioner entertained a bona fide suspicion regarding the circumstances leading to the death of her husband. According to the petitioner, the case projected as one of suicide raises several unanswered questions, giving rise to a reasonable apprehension that the death may have occurred under circumstances constituting a cognizable offence. It is further submitted that the body of the deceased has since been brought to the mortuary at Jammu and has not yet been cremated.
5. Learned counsel further submits that on 19.07.2026, the petitioner submitted representations before the Divisional Commissioner, Srinagar, requesting that the body be subjected to a fresh medical examination by a Board of Experts. It is also pointed out that the Deputy Commissioner, Jammu, by communication dated **19.07.2026**, requested the Deputy Commissioner, Srinagar, to consider the petitioner's request. Despite these representations, no decision has been taken.
6. It is further submitted that although the investigating agency has initiated an inquiry into the incident, a re-examination of the body by an independent Medical Board before cremation would constitute valuable medical evidence and would either substantiate or dispel the petitioner's apprehensions. It is argued that denial of such examination at this stage may result in irreversible loss of material evidence, thereby adversely affecting the fairness and efficacy of the investigation.
7. This Court has considered the submissions advanced and perused the material placed on record.
8. The petitioner is the widow of the deceased and has approached this Court immediately after the occurrence. The record prima facie indicates that

she has consistently expressed doubts regarding the circumstances surrounding the death and has approached the competent civil authorities without delay seeking constitution of a Medical Board. The body of the deceased is stated to be lying in the mortuary and has not yet been cremated. Therefore, the relief sought is capable of being granted without causing prejudice to any person.

9. At this stage, this Court is not required to express any opinion on the actual cause of death or the correctness of the petitioner's allegations. Those issues fall exclusively within the domain of the investigating agency. Nevertheless, where the immediate preservation of medical evidence may have a bearing on a fair, effective and impartial investigation, constitutional courts are not powerless to issue appropriate directions to secure the ends of justice.
10. The object of directing a re-examination is neither to discredit the earlier post-mortem report nor to substitute the opinion already recorded. The purpose is only to preserve the best available medical evidence in view of the serious apprehensions expressed by the widow and the fact that cremation of the body would permanently foreclose the possibility of any further medical examination. Such a course would advance the cause of justice and inspire confidence in the investigation, without causing prejudice to the respondents.
11. In the peculiar facts and circumstances of the present case, this Court is satisfied that a prima facie case for limited judicial intervention is made out. The balance of convenience also lies in preserving all available evidence, and no irreparable prejudice would be caused to the respondents by directing an independent medical re-examination before cremation.

12. Accordingly, the District Magistrate, Jammu, is directed to forthwith constitute a Medical Board comprising senior forensic experts for re-examination of the body of the deceased in the presence of the petitioner or her authorized representative. The Medical Board shall prepare its report expeditiously and forward the same in a sealed cover to the Investigating Officer/Police Agency at Srinagar, which shall consider the report objectively during the course of inquest/ investigation in accordance with law.
13. It is clarified that this Court has expressed no opinion on the merits of the case or the culpability of any person, and the investigation shall proceed independently and uninfluenced by any observations made herein.
14. The writ petition stands disposed of in the above terms.
15. A copy of this order be furnished to learned counsel for the petitioner under the seal and signatures of the Bench Secretary/Reader of this Court.

**(Sanjay Parihar)**  
**Judge**

**Jammu**  
**22.07.2026**  
**Javid Iqbal.**