

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-44864 of 2021 (O&M)
Date of Decision: October 28, 2021

Prem Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Sunil Panwar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. for setting aside the order dated 18.03.2021 passed by the Additional Sessions Judge, Mewat and for consequently allowing the application filed by the petitioner for seeking re-opinion regarding cause of death of Smt. Rajni alias Rajbala through a competent medical board of doctors, including a forensic expert.

Notice of motion.

At this stage, Ms. Deepshikha Chauhan, AAG Haryana, who is present in court, accepts notice on behalf of the respondent-State.

In brief, the facts of the case as stated are that the petitioner was married to deceased on 03.12.2011, out of which wedlock two daughters were born. The wife of the petitioner died an unnatural death on 08.07.2020, regarding which FIR No.237 dated 09.07.2020 was registered under Sections 323, 302, 498-A, 34 of Indian Penal Code at Police Station

Punhana, District Nuh on the basis of complaint moved by Mamta i.e. sister of the deceased. The postmortem of the body of the deceased was conducted on 09.07.2020 at Civil Hospital, Mandikhera by a team of doctors comprising Dr. Manmohan Singh, Dr. Hemant and Dr. Nitesh. During the course of investigation, the scene of alleged crime was also got examined.

Counsel for the petitioner-accused herein would argue that the team of doctors, who conducted the postmortem examination gave opinion that the cause of death was manual strangulation and sufficient to cause death in ordinary course of life. It is argued that the said opinion is contrary to the physical and medical attributes indicated in the postmortem report and the scene of crime report. It is argued that the door was broken and then the body of the deceased was recovered, making it a case of suicide. It is contended that the application moved by the petitioner, after submission of the final report, seeking re-opinion regarding cause of death by a medical board, including a forensic expert from AIIMS, New Delhi, has been illegally dismissed by the trial court.

Per contra, counsel for the respondent-State, opposes the instant petition by contending that petitioner-accused had committed the murder of his wife and now, he is trying to delay the trial by moving frivolous application. It is submitted that the board of doctors, who conducted the postmortem of the deceased, were duly competent to give opinion with regard to cause of death of Rajbala.

I have heard learned counsel for the parties and have also gone through the pleadings of the case.

In the present case, the petitioner-accused is facing trial for the murder of his wife. The postmortem examination of the deceased was conducted by a Board of Doctors, on the application moved by the police. A panel of three doctors was constituted by the competent authority. Counsel for the petitioner herein has not been able to point out that the said doctors were not fully qualified to conduct such postmortem or to give opinion regarding the cause of death of the deceased. Moreover, the postmortem report of the deceased (Annexure P-1) available on record reveals that many injuries were found on the person of the deceased which were declared as ante-mortem in nature. Furthermore, as noted by the court below, the petitioner-accused had got a scissors recovered from his Almirah, pursuant to his disclosure statement, with which he had allegedly murdered his wife, the deceased and thereafter, hanged her with a chunni to make out a case of suicide.

In view of the above, this court finds no illegality or infirmity in the impugned order so passed by the trial court, as such, the instant petition is hereby dismissed. The petitioner will always be at liberty to take all the pleas available to him before the trial court at the appropriate stage.

Needless to say, anything observed or said by this court herein above is only for the purpose of deciding the instant petition, which shall not be construed as an opinion on the merits of the case.

October 28, 2021

vijay saini

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No