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

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Date of decision: 08.05.2024

Reeta Devi

...Petitioner

Versus

State of Punjab & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Davinder Singh Khurana, Advocate,
for the petitioners.

Ms. Harpriya Khaneka, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for issuance of appropriate writ, or directions to respondents to initiate and conduct a fresh post mortem examination of Anuj Kumar, who tragically passed away while in police custody.

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner is mother of deceased Anuj Kumar, who is stated to have committed suicide, while in police custody in Mumbai on 01.05.2024. He contends that the dead body of deceased Anuj Kumar has been handed over to the petitioner, after conducting a post mortem examination. It is further submitted that the petitioner suspects that her son has been eliminated under a conspiracy and that in order to rule out any possibility of an unfair play, it is essential that the postmortem of the dead body be re-conducted to enable the petitioner to take recourse to appropriate remedies if she has some evidence in hand to dispute the investigation in the matter.

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3. He further contends that the dead body is still preserved and any delay in the matter is likely to lead to decomposition of the body leading to material evidence being destroyed and marring determination of the actual cause of death of Anuj Kumar. He further submits that the above said prayer is without prejudice to whatever the investigation is being conducted by any agency and that is only for the satisfaction of the petitioner and to enable her to ascertain whether she is being given the correct picture or not.

4. Learned State counsel, on the other hand, contends that the present petition is misconceived and that there is no cogent reason or tangible ground on the basis whereof such a petition for conduct of second postmortem should be entertained. Further an argument has been made that as per the documents appended along with the petition and supplied to the petitioner herself, there is no other external mark of injury on the body of the deceased, other than ligature mark or the injury mark consequential to commission of suicide. She, thus, submits that for entertaining any suspicion, there has to be some cogent reasons and tangible grounds. In the absence of any such *prima facie* evidence, the present petition is grossly misconceived.

5. However, she submits that she would not have any serious objection otherwise to the second postmortem being conducted, only for the facilitation and satisfaction of the petitioner, if she intends to seek recourse to any other alternative remedy in law for redressal of her grievances.

6. Given the peculiar facts of the present case where mother is apprehensive about death of her son, taking into consideration the



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arguments raised by the respective parties and noticing that no serious objection has been raised to the postmortem being reconducted by the State and also an order passed by this Court in *CRM-M-23367-2021, titled as “Bhupinder Singh Vs. State of Punjab”, decided on 21.06.2021*, the present petition is disposed of, without commenting on the merits of the case and without impleading the State of Maharashtra (where a criminal case has already been registered and the investigation proceedings are pending) at this stage with a direction to the respondent-State to conduct a second postmortem examination of deceased Anuj Kumar.

7. The petitioner may hand over the body of her son Anuj Kumar in the Guru Gobind Singh Medical College, Faridkot, on or before 10.05.2024 and shall appear before the Medical Superintendent of the Medical College for necessary compliance.

8. Copy of this order be handed over to the learned counsel for the petitioner as well as State counsel, under the signatures of Bench Secretary of this Court.

9. The instant petition stands disposed of in terms as aforesaid.

08.05.2024
monika

(VINOD S. BHARDWAJ)
JUDGE

Whether reasoned/speaking:	Yes
Whether reportable:	Yes/No