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

CRM-M-52066-2024

Date of decision: 22.10.2024

Kiran Jain

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Vishal Deep Goyal, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 for conducting a fair and impartial investigation of the case bearing FIR No.180 dated 25.05.2024 (Annexure P-1) under Sections 306/120-B of IPC (Section 304-B of IPC added later on vide DDR No.50 dated 15.07.2024) registered at Police Station City Kharar, District SAS Nagar by constituting a Special Investigation Team.

Learned counsel for the petitioner *inter alia* contends that the deceased has concealed the factum of her earlier two marriages and the Investigating Officer is not conducting the investigation in a free and fair manner. He is totally biased and he is not collecting the true and real facts of the case. The petitioner has come to know that the deceased was married two times and this fact was concealed from her and her son and the mother of the deceased had taken money from those persons and thereafter, she solemnized the marriage of the deceased with the son of the petitioner. The deceased has earlier also eloped with one Ankush and both lived together for nine months.

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The marriage was performed with the son of the petitioner only to extract money and these things are required to be investigated and petitioner and her family members are required to be exonerated from this FIR by conducting free and impartial investigation.

Per contra, the learned State counsel appears on receipt of advance notice and submits that the Investigating Officer SI Balwinder Singh is conducting the investigation in a free and fair manner and the deceased has died within seven years of marriage in matrimonial home due to unnatural death. The factual ingredients breaching the threshold of Section 304-B of IPC are available on record. Earlier, the complainant-Kiran Devi has approached this Court for conducting fair and proper investigation in the FIR (*supra*) by filing CRM-M-33907-2024 and the same was dismissed as withdrawn on 18.07.2024. The petitioner has already been allowed anticipatory bail by this Court and the Investigating Agency is in the process of completing the investigation.

Having heard learned counsel for the parties and after perusal of the record, this Court finds no ground to interfere in the matter and the previous act and conduct of the deceased, if any, cannot be taken into consideration for handing over the investigation to Special Investigation Team and thus, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

22.10.2024*Neha*

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