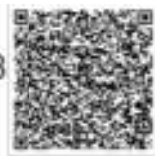


2026.PHHC:063888



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101/2

CRM M-5186 of 2024
Date of Decision: 08.04.2026

Aneesh and others ...Petitioner (s)
Vs.
State of Haryana and another ...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sarfraj Hussain, Advocate
for the petitioners.

Mr. Rajinder Kumar Banku, Sr. DAG, Haryana.

Mr. Dharamvir Singh, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present petition under Section 482 Cr.P.C. with a prayer to quash the impugned order dated 18.09.2023 (Annexure P-8), passed by the Court of Judicial Magistrate 1st Class, Palwal and the order dated 11.01.2024 (Annexure P-9), passed by the Court of Additional District and Sessions Judge, Palwal, whereby, the application moved by the complainant for sending the tissues kept for histopathological examination at GMC Nahlar, Nuh, for re-examination of tissues from any central laboratory was allowed.
2. Learned counsel for the petitioners submits that on the basis of a complaint moved by respondent No.2/complainant, namely, Samun, one FIR No.181 dated 24.05.2018, under Sections 147, 148 and Section 302 IPC, Police Station Chand Hut, District Palwal (Annexure

P-1) was ordered to be registered against the petitioners. After the registration of the FIR, the case was investigated and the *challan* under Sections 147, 148, 323 and 506 IPC was presented against the petitioners. However, the offence under Section 302 IPC was deleted in the present case on the basis of the opinion rendered by the doctors. As per the doctors, the cause of death in the present case was myocardial rupture as a sequel to acute myocardial infarction. Learned counsel further submits that during the course of trial, the respondent No.2 filed an application (Annexure P-7) on 26.02.2022 for sending the tissues which were kept for histopathological examination at Government Medical College, Nalhar, for re-examination from any central laboratory. Vide the impugned order dated 18.09.2023 (Annexure P-8), the said application was allowed. Even, the revision filed by the petitioner was dismissed by the Additional Sessions Judge Palwal being not maintainable. Learned counsel further submits that in the present case, the FSL report has already been received and now after a long delay, the present application was filed by the complainant just to delay the trial before the trial Court.

3. On the other hand, learned State counsel as well as learned counsel appearing on behalf of respondent No.2 have vehemently opposed the submissions made by the learned counsel for the petitioners on the ground that the respondent No.2 is well within his right to lead best possible evidence to prove the offence against the accused before the trial Court. Even, the earlier FSL report was apparently manipulated by the accused. As per the FSL report, the presence of ethyl alcohol was

found in the report whereas the deceased used to follow principles of Muslim religion and had never consumed liquor in his whole life. Apart from that, as per the FIR, the accused in the present case had attacked Ramzan (since deceased), with *lathis/dandas*, bricks and due to the injuries suffered by him, he had expired. Learned counsel further submits that the following injuries were found on the person of Ramzan:-

“1. No signs of external injury seen on back. however on dissection of back, extravasated blood seen in underlying region of T12 to L2 vertebra region and L5-S1 vertebra region.

2. On dissection of scalp, extravasated blood in underlying region seen on right temporal region. on further dissection, no evidence of bony fracture seen.

3. Faint reddish contusion seen on left side of anterior chest wall of size 4 cm x 2.5 cm below left nipple. on dissection extravasated blood seen in underlying region”.

As per the injuries mentioned in the PMR, there are reddish contusions on the left side of the chest and the histopathological report also showed laceration and haemorrhage on the heart region. Thus, there may be chances that heart attack was a result of alleged beatings and the prayer of the complainant has been rightly allowed by the trial Court.

4. I have heard learned counsel for the parties and perused the record very carefully.

5. In the present case, before allowing the application, the trial Court has recorded detailed reasons and after comparing the reason given by the trial Court, I completely agree with the views expressed by the trial Court in the impugned order. In the present case, it is apparent

that the deceased had died due to the reason of heart attack. However, as per the injuries in the PMR, there were reddish contusions on the left side of the chest and the histopathological report also reflected lacerations and haemorrhage on the heart region. Thus, the main question was as to whether the injuries suffered by the deceased had caused the death of the deceased or the deceased had died due to some other reason. Thus, the application for re-examination of tissues was rightly allowed by the Court of Judicial Magistrate First Class.

6. In view of the above discussion, there is no merit in the present petition and the same is ordered to be dismissed.

7. Since, the trial in the present case is pending from 24.05.2018, the trial Court is directed to conclude the trial expeditiously, preferably, within a period of one year and six months from today.

8. All pending applications, if any, are disposed off, accordingly.

08.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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