



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

(119)

**CRM-M-19595 of 2024  
Date of Decision: 01.9.2025**

Guddi

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Jashan Singh Sekhon, Advocate  
for the petitioner.

Ms. Saumya Ahluwalia, Sr. DAG, Haryana.

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**KIRTI SINGH, J. (ORAL)**

1. The present petition has been filed under Section 482 Cr.P.C. for the issuance of appropriate directions upon the authorities concerned to re-investigate FIR No. 145 dated 14.05.2023, registered under Section 306 IPC at Police Station Sector-53, Gurugram (Annexure P-1) in a fair and unbiased manner, as per the procedure laid down in Code of Criminal Procedure; or to transfer the investigation from the jurisdiction of Police Station Sector-53, Gurgaon to any other Independent Agency.

2. On 08.7.2024, following order was passed by this Court-

*“Learned counsel for the petitioner inter alia submits that the present petition has been filed by the mother of the deceased. The FIR in question has also been filed on the basis of the statement of the mother-complainant. It is submitted that the deceased i.e. the daughter of the complainant and the accused, namely, Komal Kumar were in a consensual relationship. It is admitted that the said Komal Kumar is a married man. It is further submitted that on the date of alleged incident i.e. on 13.05.2023, as stated in the FIR, the deceased had gone to meet the accused. During the course of the*



day, when the petitioner called her daughter, she was informed by the police that her daughter was in a critical condition and admitted in the hospital. Learned counsel for the petitioner petitioner seeks further investigation in the matter as, it is contended, that as per the PMR dated 13.05.2023 (Annexure P-4), the deceased had been brought to the Kathuria hospital by the accused and also the cause of death had been recorded to be consumption of poison. It is submitted that in the confessional statement of the accused (Annexure P-6), it has been admitted as follows:-

*“On 13.05.2023, she called me in the morning and came to meet me, whom I picked from HUDA City Center and took to my room. Where both of us had a fight about divorcing my wife Rekha and getting married and then she told me that I had ruined her life and now she was insulted and cannot marry anyone. She said that she was ending my life by committing suicide, so I told her that if she wants to die, then die. Hearing this, she took out a poison from the bag she brought with her and went to the bathroom and came out and told me that she had consumed poison. I arranged for an auto and took him to Kandhuria Hospital, Sector 11, Gurugram for treatment, where after some time the doctor declared her dead.”*

*It is submitted that pursuant to the confessional statement of the accused, it was necessary for the Investigating Agency to determine whether there are poison traces in the bag of the deceased or not. It is further contended that bag of the deceased has not even been made as a case property by the Investigating Agency; and as such, the matter requires re-investigation.*

*Learned counsel further contends that the hospital nearest to the residence of the accused was Artmis hospital which is 1 k.m. away; whereas the accused took the deceased to Kathuria hospital which is 11 k.m. away from his house and that too in an auto rickshaw. It is accordingly prayed that the accused should have been charged under Section 302 IPC and not under Section 306 IPC.*

*Learned counsel for the petitioner relies upon the judgment of Hon’ble Supreme Court passed in ‘Anant Thanur Karmuse vs. The State of Maharashtra and others’, Law Finder Doc Id # 2140000, to submit that once the trial has commenced, re-investigation can be ordered in case “any deficiency in investigation or prosecution is visible or can be perceived by lifting the veil.”*

*Learned counsel for the State has filed status report by way of*



*an affidavit of the Assistant Commissioner of Police, Sadar, Gurugram on behalf of the respondents No. 1 to 4 and 6 dated 02.07.2024 in Court today which is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.*

*Learned counsel for the State submits that as per the PMR dated 13.05.2023 (Annexure P-4), no injuries were found on the person of the deceased; and as per the copy of FSL report dated 03.07.2024 handed over in Court, the cause of death is reported to be poison (aluminium phosphide). Learned counsel for the State further refers to the averments made in para 7 of the above-said status report to submit that charges under Section 306 IPC were framed on 11.12.2023; and out of 18 witnesses, only one prosecution witness, namely, Dr. Vinod Kumar has been examined till date. Now the next date of hearing before the learned trial Court is 11.11.2024.*

*Learned counsel for the State submits that in view of the contention now raised on behalf of the petitioner he may be permitted to file a better status report especially to verify the fact that whether the bag of the deceased was made as a case property or not, as also to place on record the FSL report.*

*Permitted to do so.*

*Adjourned to 14.10.2024.”*

3. In the present case, the State has filed three status reports i.e. status reports dated 02.7.2024, 09.1.2025 and 15.7.2025 respectively by way of affidavit(s) of Assistant Commissioner of Police, Sadar, Gurugram.

4. Learned State counsel while placing reliance on the status report dated 15.7.2025, submits that the investigation in the present case has been conducted fairly and impartially by the investigating agency. It is submitted that during investigation, the accused was arrested and the post-mortem of the dead body of the deceased was conducted. Moreover, the mobile phone of the deceased as well as of accused Komal Kumar were taken into possession and sent to the laboratory concerned for retrieval of



data. Report dated 10.11.2023, received from the said laboratory is annexed with the status report as Annexure R-3. Similarly, the diary of the deceased was also taken into possession and was sent to RFSL, Bhondsi concerned for comparison of handwriting. The report dated 26.6.2024 received from the said laboratory is annexed as Annexure R-4.

5. The relevant paragraphs of the said status report are reproduced hereinafter-

*“5. The parcels of the deceased were sent to SHKM Medical College, Nalhar (Nuh) vide RC No. 304 dated 19.05.2023 for examination. The mobile phone of the deceased Suman and accused Komal Kumar were sent to DITAC Lab, Gurugram vide RC No. 331 dated 26.05.2023 for retrieval of data. The viscera of the deceased was sent to RFSL Bhondsi on 30.05.2023 for examination. The reports pertaining to the same have already been attached with the previous status report filed in the present case and the same are not being again attached herewith to avoid confusion. Copy of report dated 03.07.2024 (regarding viscera) is attached herewith as Annexure R-2 for kind perusal of this Hon'ble Court. The report dated 10.11.2023 received from DITAC Lab, Gurugram is attached herewith as Annexure R-3 for kind perusal of this Hon'ble Court.*

*6. That the diary of deceased xxx was sent to RFSL Bhondsi for comparison of handwriting of the said diary with the admitted handwritings of deceased xxx.*

*7. That now, the report dated 26.06.2024 has been received from RFSL Bhondsi. As per the said report, the person who wrote the red enclosed admitted writing stamped and marked A1 to A4 also wrote the red enclosed questioned writing similarly stamped and marked Q1 to Q8. Thus, as per the said report, the diary contains the handwriting of deceased xxx. The copy of the said report dated 26.06.2024 is attached herewith as Annexure R-4 for kind perusal of this Hon'ble Court.*

*8. That the challan against the accused Komal Kumar in the present FIR was submitted in the Ld. Court on 10.07.2023. The charge U/S 306 IPC was framed on 11.12.2023. Now, the trial is pending in the Court of Ld. ASJ, Gurugram and is fixed for*



*24.07.2025 for prosecution evidence. There are total 18 PWs in the present case and 02 PWs (Dr. Vinod Kumar and Ct. Vijay Pal) have been examined.”*

6. A perusal of the status report reveals that investigation in the case was duly conducted and after completion thereof, challan was presented before the learned trial Court. Charge under Section 306 IPC was framed against the accused on 11.12.2023 and out of total 18 prosecution witnesses, 02 witnesses have been examined.

7. Therefore, keeping in view the above, no directions are required to be passed by this Court.

8. The present petition stands disposed of as such.

9. Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**September 01, 2025**  
Gurpreet Singh

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