

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. S-4085-SB-2013 (O&M)

Date of decision: May 11, 2015

Kulwinder Kaur

.. Appellant

Vs.

State of Punjab and others

.. Respondent

Coram: Hon'ble Mr. Justice Surinder Gupta

Present: Mr. Vijay Rana, Advocate for the appellant.
Mr. Yogesh Gupta, AAG, Punjab.

Surinder Gupta, J

Heard.

Manjit Singh husband of the appellant-complainant committed suicide on 8.5.2000. The matter was reported to the police vide statement of complainant recorded by SI Sucha Singh, In-charge Police Post Mothanwala, Sultanpur Lodhi, District Kapurthala. Statement of the complainant recorded by SI Sucha Singh, as incorporated in para no.2 of trial court judgment, reads as follows :-

'That she married with Manjit Singh son of Gurdev Singh, resident of village Tashpur about 8/9 years back. From this wedlock she gave birth to two male children namely Daljot Singh, aged about 5 years and Harpreet Singh aged about 2 years. Her husband was having two brothers and one sister who all are married. Her father-in-law Gurdev Singh is owning 10/11 acre of land in village Tashpur. There used to remain a dispute between her husband and her father-in-law Gurdev Singh, mother-in-law Charan Kaur and brother-in-law (Deor) Ranjit Singh with regard to the partition of the land and house. The above said property was under the control of said three persons. About one month back, there also arose a dispute between them regarding partition of said property and the matter was compromised vide compromise dated 02.04.2011 with the intervention of the respectable and relatives. At that time, her father-in-law agreed to give them

their due share in the property. However, her husband asked them several times to give him his due share, out of the land, but they continued to put off the matter on one excuse or the other. Today, in the morning, her father-in-law Gurdev Singh, mother-in-law Charan Kaur and brother-in-law Ranjit Singh hurled abuses to her husband and had also given them beatings with common intention. Then, she called her father Harmail Singh and brother Sukhvir Singh from her parental village Bhaur. When her father and brother asked from them as to why they have beaten her husband, then the said three persons abused them also. Then, in their presence also all the above said three persons gave beatings to her husband and they also refused to give any share of land to them. Being fed up from his father, mother and brother, her husband said that they have made his life a hell and that now there is nothing left to live. At about 11/11.30 AM her husband went out of his house and came back within a short while and said while standing in the courtyard of his house that he has consumed sulfas tablets, on account of maltreatment, caused to him by his father Gurdev Singh, mother Charan Kaur and brother Ranjit Singh. At the same very moment he became unconscious. After arranging the conveyance, he was brought to Maan Medicity Hospital, Khambra, District Jalandhar by her father and brother, where he died, while under treatment. Death of her husband has been caused on account of the consumption of sulfas tablets for the reasons that her in-laws did not give him his due share in the land and also for the reason of maltreatment and harassment caused to him by her above said in-laws.”

The police presented the challan against private respondents, who are father, mother and brother of deceased. They were charge sheeted for offence punishable under Sections 306/34 IPC. The trial court convicted Gurdev Singh father of the deceased for offence punishable under Section 306 IPC and acquitted Ranjit Singh brother and Charan Kaur mother of the

deceased. While acquitting respondents No.3 and 4, the trial court discarded the story of prosecution whereby the deceased was alleged to have been given beatings by respondents No.3 and 4. on the ground that there was no mark of injury on his body and the doctors who conducted postmortem examination of the deceased had stated that he did not find any injury on the person of the deceased during postmortem examination.

The dispute pertains to the land owned by Gurdev Singh, in which the deceased being his son was claiming share. A compromise, produced on file as Ex.PA had also taken place vide which Gurdev Singh had agreed to give share of land and house to the deceased. The allegations of the complainant is that despite compromise, the deceased was not given his share in the land of his father and house rather given beatings and harassed. The trial court while acquitting respondents no.3 and 4 i.e. Ranjit Singh, brother and Charan Kaur, mother of deceased had observed that they had nothing to do with the land owned by Gurdev Singh and they were not even signatory to the alleged compromise.

Learned counsel for appellant has argued that respondents no.3 and 4 have abetted the commission of suicide by giving thrashings to the deceased and it was because of their behaviour that he was compelled to take the harsh step to end his life.

On careful consideration of the submissions made by learned counsel for appellant, it could be safely observed that if the entire allegations as levelled by the complainant be believed, still no case for commission of offence punishable under Section 306 IPC is made out against respondents No.3 and 4. Even if there was some altercation between the deceased and respondents No.3 and 4 and the deceased was given beatings, this does not amount to abetment to commit suicide. The trial court has acquitted respondents No.3 and 4 on a valid grounds observing that they had absolutely nothing to do with the property of Gurdev Singh, which was exclusively owned by him. There was no evidence on record that respondents No.3 and 4 in any manner were hurdle or restraining Gurdev Singh from giving any share in the property owned by him to Manjit Singh deceased.

In view of the above discussion, this appeal qua respondents No.3 and 4 has no merits, as such, is declined to this extent.

The appellant has also sought enhancement of sentence awarded to Gurdev Singh respondent No.2.

Learned counsel for appellant submits that he does not press this relief as sought in this appeal at this stage with liberty to raise the plea in CRA-S-3134-SB of 2013 filed by Gurdev Singh against his conviction.

In view of the above discussion, this appeal has no merits and is dismissed qua respondents No.3 and 4. The appeal is dismissed as withdrawn qua respondent No.2 with liberty as prayed for.

May 11, 2015

deepak

(Surinder Gupta)

Judge