

105

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No.3805 of 2015 (O&M)

Date of Decision: October 09, 2015.

Kush Singla

.....Petitioner

Versus

Union Territory, Chandigarh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. K.S. Kang, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 23.02.2015, whereby, application moved by the prosecution under Section 319 of Code of Criminal Procedure, 1973, was dismissed.

Learned counsel for the petitioner has submitted that the deceased had specifically stated in the suicide note that a day before he had been given beatings by Azad Singh, Janak Singh, Vijay Batta and Amarjit. The deceased had further stated that the said persons were responsible for his suicide.

In the present case, FIR No.151 dated 20.03.2013, under Sections 306, 120-B of Indian Penal Code, 1860 was registered at Police Station Sector-17, Chandigarh against eight persons. After completion of investigation and necessary formalities, challan was presented against the accused Indira Rani, Rajiv Singla, Anita Singla and Chirag Singla. However, challan was not presented against accused Azad Singh, Janak Singh, Vijay Batta and Amarjit.

A perusal of the suicide note Annexure P-2 reveals that there are two sets of accused. So far as first set of accused is concerned, challan has been presented against them. So far as second set of accused is concerned, challan was not presented against them. So far as Accused Azad Singh and others are concerned, there was some loan dispute between them and the deceased. Azad Singh and others had filed a civil suit and the same was decreed in their favour.

Since Azad Singh and others had already taken recourse of law, the learned trial Court rightly held that there was not sufficient material on record to summon them to face the trial as additional accused. The allegation levelled by the deceased in the suicide note that he had been given beatings by the accused Azad Singh and others a day prior to the writing of the suicide note, is also not substantiated from record.

During the course of arguments, it has transpired that the deceased had died due to hanging and there were no other mark of injury on his person.

In the facts and circumstances of the present case, the learned trial Court had rightly ordered the dismissal of the application moved by the prosecution under Section 319 Cr. P.C.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

October 09, 2015
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