

CRM-M-29336 of 2016 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM-M-29336 of 2016 (O&M).
Date of Decision: October 24, 2016.

Kartar Singh and another

.. Petitioner(s)

VERSUS

State of Haryana and another

.. Respondent(s)

* * *

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

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PRESENT Mr.Pawan Kumar, Sr. Advocate, with
Mr.Shailender Mohan, Advocate,
for the petitioners.

M.M.S. BEDI, J. (ORAL)

I have heard the learned counsel for the petitioner at length who has argued that deceased Balbir Singh was proceeded against in accordance with law by Manjit Singh to enforce his legally enforceable right. A money decree was passed against the deceased and appropriate steps according to law were being taken against him for recovery of the amount.

Counsel for the petitioner has placed strong reliance on Madan Mohan Singh Vs. State of Gujarat and another, 2010 (4) RCR (CrL) 207, wherein a driver in anguish had committed suicide feeling aggrieved against the excesses of his boss. He also placed reliance upon Gangula Mohan Reddy Vs. State of Andhra Pradesh, 2010 (1) RCR (CrL) 603, where a domestic servant had committed suicide as allegations had been levelled against him of having stolen ornaments and the money was demanded from the deceased but he

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committed suicide. It was observed in the said circumstances that in order to convict a person under Section 306 IPC, there has to be a clear mens rea to commit the offence and some active act or direct act which led the deceased to commit suicide seeing no option.

After hearing the counsel for the petitioners, I am of the opinion that after the challan having been presented against the petitioners, it will not be appropriate for this Court to appreciate the evidence in order to arrive at a conclusion whether the material forming part of report under Section 173 (2) Cr.P.C. is sufficient enough to hold that the petitioners did not commit any act or omission which aided the deceased to commit suicide.

No ground is made out for quashing the FIR and criminal proceedings.

The petition is dismissed.

Nothing said in this order will prejudice the right of the petitioners to satisfy the trial Court regarding non-commission of offence by the petitioners or the act of the petitioners not falling under the ambit of abetment.

Dismissal of this petition will not, in any manner, be considered as expression of opinion on merits of the case.

(M.M.S. BEDI)
JUDGE

October 24, 2016.
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Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No