

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

**CRR No.1143 of 2011 (O&M)
Date of Decision: October 18, 2016**

Joginder Kumar and another

...Petitioners

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.M.S.Lobana, Advocate
for the petitioners.

Ms.Shivali, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Sunil K. Dhanda, Advocate
for the complainant.

INDERJIT SINGH, J.

The present revision has been filed by the petitioners Joginder Kumar and Jasvir Kaur alias Renu under Section 401 Cr.P.C. against respondent State of Punjab, challenging the impugned order dated 28.03.2011 passed by learned Addl. Sessions Judge, Hoshiarpur, vide which the charge under Section 306 IPC was framed against the accused-petitioners.

Notice of motion was issued and learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

Learned counsel for the petitioners argued that no offence

under Section 306 IPC is made out from the record. There is nothing on the

record to show that there was any immediate abetment by the petitioners to commit suicide.

On the other hand, learned State counsel as well as learned counsel for the complainant argued that at the time of framing of the charge, the Court is only to see prima facie case. There is sufficient evidence on the record collected by the Investigating Officer, which shows prima facie case under Section 306 IPC.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that at the time of framing of the charge, the Court is only to see whether prima facie case is made out at that stage or not. The Court is not to weigh the evidence for the purpose of conviction. Even on the basis of the strong suspicion, the Court can frame the charge.

As per the FIR, Jasvir Kaur petitioner was married to Raj Kumar, son of the complainant. Jasvir Kaur was also named as Renu. On 03.10.2010 at about 9.00 A.M., Jasvir Kaur and Raj Kumar had gone to Nangal Bhur Mandir for taking medicines on motorcycle and they did not return till night. On 04.10.2010, daughter of the complainant namely Surindera Rani came to the house of the complainant and informed that motorcycle of Raj Kumar, his shoes, shirt, cap, socks, mobile and watch are lying on the western side of the bridge of the main canal.

The perusal of the record shows that there are statements of the witnesses recorded under Section 161 Cr.P.C. including statement of Gopal Krishan, Ex-Sarpanch, who stated that on 03.10.2010 at about 3.30 P.M., he was going from near the house of father-in-law of Raj Kumar and at that

time, Jasvir Kaur alias Renu, father-in-law and brother-in-law of Raj Kumar

were giving abuses to Raj Kumar. Again, there is statement of another PW Malkit Singh regarding the same facts, which shows that on 03.10.2010, Raj Kumar along with Jasvir Kaur alias Renu visited the house of his father-in-law i.e. parental house of Jasvir Kaur alias Renu, where abuses etc. were given to him and while coming back to his house, Raj Kumar committed suicide.

As already discussed, at this stage, the Court is not to weigh the evidence for the purpose of conviction but only to see from the documents on record produced by the prosecution i.e. report under Section 173 Cr.P.C., whether prima facie case is made out or not. From the perusal of the record, I find that prima facie case is made out for framing of the charge.

In view of the above discussion, I find that the impugned order dated 28.03.2011 passed by learned Addl. Sessions Judge, Hoshiarpur, framing the charge against the petitioners, in no way can be held as illegal or against the law and the same is upheld.

Therefore, finding no merit in the present revision petition, the same is dismissed.

October 18, 2016
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No