

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRR No.1483 of 2015 (O&M)****Date of Decision: January 06, 2016**

Nirmal Kaur

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vipin Mahajan, Advocate
for the petitioner.

Mr.Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

The present revision petition has been filed by the petitioner Nirmal Kaur against State of Punjab under Section 401 Cr.P.C., challenging the impugned order dated 13.03.2015 passed by learned Addl. Sessions Judge, Gurdaspur, vide which the charge was framed under Section 306 and 34 IPC in case FIR No.142 dated 22.11.2013.

Notice of motion was issued and learned State counsel appeared and contested the petition.

At the time of arguments, learned counsel for the petitioner argued that no prima facie case is made out against the present petitioner. He further argued that there is no material to show that any

abetment was given by the petitioner to the deceased to commit suicide.

On the other hand, learned State counsel argued that at the time of framing of the charge, prima facie case is to be seen from the evidence collected during the investigation. He also argued that even strong suspicion is sufficient for framing of the charge.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the perusal of the FIR, it is clear that suicide note was recovered from the dead body of Amrik Singh, in which it is written that he is committing suicide because of harassment by Jaspal Singh and his wife. The present petitioner Nirmal Kaur is the wife of Jaspal Singh. The copies of statements of the witnesses recorded under Section 161 Cr.P.C. have also been placed on record. I have gone through those statements. It has been specifically mentioned in the statements that because of harassment by Jaspal Singh and his wife Nirmal Kaur, Amrik Singh has committed suicide. As per the allegations in the FIR, Amrik Singh told the complainant that Jaspal Singh and Nirmal Kaur wife of Jaspal Singh have lodged a false case against him and for that reason he is mentally upset. He suffered loss of reputation amongst his relatives because of false case. It is also in the FIR that Amrik Singh has committed suicide due to harassment by Jaspal Singh and his wife Nirmal Kaur.

Keeping in view the facts and circumstances of the present case, I find that, in no way, it can be held that no prima facie case is

made out for framing the charge against the present petitioner. She is named in the suicide note. The allegations are also in the statements of witnesses recorded under Section 161 Cr.P.C. At the time of framing of charge, the Court is not to weigh the evidence. Only prima facie case is to be seen from the evidence collected by the Investigating Officer. Even charge can be framed on the basis of strong suspicion.

In view of the above discussion, I find that no illegality has been committed by the learned Court below while framing the charge against the present petitioner.

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

January 06, 2016
Vgulati

(INDERJIT SINGH)
JUDGE