

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

Date of Decision: July 28, 2016

1. CRR 1526 of 2016 (O&M)

Ashok Gupta @ Ashok Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

2. CRR 1617 of 2016 (O&M)

Narinder Thakur

.....Petitioner

Vs.

State of Haryana and ors.

.....Respondents

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

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Present:- Mr.Avnish Mittal, Advocate for the petitioner in
CRR 1526 of 2016.
Mr.Shubhankar Baweja, Advocate for the petitioner in
CRR 1617 of 2016.

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M.M.S. BEDI, J.

By this order two revision petitions bearing CRR 1526 of 2016 and CRR 1617 of 2016 filed against the order dated January 15, 2016 passed by Additional Sessions Judge, Ambala summoning the petitioners as additional accused have been taken up for preliminary hearing. The FIR in the present case was registered at the instance of PW Pushpa Goel alleging that her husband Satish Goel had committed suicide by jumping before the running train and left a suicide note wherein he had mentioned that he had

taken the extreme step on account of refusal of Vishal Gupta, fiancée of his elder daughter Neha Goel and his family members having demanded dowry which he was unable to give and the petitioners and other persons who owed large amount of money but had flatly refused to pay him. Petitioners were not challaned as during the course of investigation they were found innocent.

The trial Court on the basis of the statement made by complainant as PW has summoned the petitioners as the complainant has stated that petitioners and others owed money to her husband and the liability of the petitioners was to the extent of Rs.18 lacs. On account of said money having not been paid and her husband having been told by the petitioners and others to die under the train in case he was not in a position to arrange money to fulfill the demand of marriage of his daughter, her husband has committed suicide.

Counsel for the petitioners has vehemently urged that the document annexure P-6 is a complaint filed by Satish Goel while he was alive and annexure P-8 is the report to the effect that Satish Goel had received the entire money from petitioner Ashok Gupta and no amount was due. They have also argued that there is absolutely no fresh evidence brought on the record which could be considered to indicate that prima facie the act of the petitioners would fall under the definition of abetment of suicide of deceased Satish Goel. Counsel for the petitioners submits that the stand of the complainant is apparently inconsistent as in her examination she has stated that the liability of petitioner Ashok Gupta was to the extent of Rs.10 lacs whereas in examination-in-chief said liability has been averred to be of Rs.18 lacs.

With the assistance of learned counsel for the petitioners, I have gone through the impugned order and the documents forming part of the report under Section 173 (2) Cr.P.C.

The name of petitioner Ashok Gupta is mentioned in the original complaint. The act and conduct of petitioner Ashok Gupta is apparently a circumstance which prima facie contributed to the suicide of the husband of Pushpa Goel. The documents which are being produced before this Court indicate that no amount remained due to the petitioner may constitute a good defence plea during the course of trial.

The revision petition bearing **CRR 1526 of 2016 is thus dismissed.**

So far as petitioner Narinder Thakur in CRR No. 1617 of 2016 is concerned, his name has not been mentioned by the complainant to have owed money to the husband of Pushpa Goel. His name is mentioned in the FIR but the complainant has omitted his name while appearing as a witness. Culpability of petitioner Narinder Thakur as abettor to suicide in view of said circumstances is debatable.

Let notice of motion in application for condonation of delay in CRR No. 1617 of 2016 be issued to the respondents for 27.8.2016.

July 28, 2016
sanjay

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.