

CRR No.4283 of 2016

[1]

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

Sr. No. 122

CRR No.4283 of 2016

Date of decision: November 28, 2016

Sanjit @ Sanjay & another

.... Petitioners

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anshuman Dalal, Advocate,
for the petitioners.

JASPAL SINGH, J.

Challenge in the revision petition is to order dated October 13, 2016 as well as chargesheet of even date in case FIR No. 34, dated 26.04.2015, under Sections 306, 506 & 34 of IPC and Section 3 of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station GRP, Rohtak.

2. Learned counsel for the petitioners submits that the impugned order dated October 13, 2016, whereby the petitioners have been charge-sheeted under the aforesaid sections is based upon conjectures and surmises.

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No offence whatsoever is made out against the petitioners. The only allegations against them is that they threatened the husband of the complainant to make payment of the loan. Husband of the complainant was unable to make payment of the loan due to decrease in his income and thus, committed suicide. There is an inordinate delay of four days in lodging the FIR inasmuch as husband of the complainant committed suicide on the night of April 22, 2015, whereas the present FIR was registered on April 26, 2015. Accordingly, learned counsel prayed that the impugned order as well as the chargesheet deserve to be set aside.

3. This court has given an anxious thought to the aforesaid submissions made by learned counsel for the petitioners and perused the record available on file.

4. The instant FIR was lodged on the basis of a complaint made by Babli widow of Attar Singh to the effect that her husband Attar Singh had borrowed money from accused persons. For the last 5/6 years, the accused persons used to forcibly take money from him to the tune of ₹7,000/8,000/- every month. On being asked, she said that they charged 10% interest. Moreover, they used to abuse the complainant and her husband in the name of caste (Chamar, dedh, Kamina). On April 22, 2015, Leela visited the complainant's house, hurled abuses to her husband and threatened to kill him and that they would pick up his daughters. Due to the threat given by the accused persons, Attar Singh committed suicide by jumping before a train. At the stage of framing of charge, only prima facie case is to be seen or established. A perusal of the complaint/FIR shows the

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allegations of abetment. During police proceedings, a suicide note was also recovered from the dead body of husband of the complainant namely Attar Singh, wherein it has been stated that accused persons namely Leela son of Ranbir and Sanjay Ajaib have threatened to kill him. He paid interest every month.

5. In view of what has been discussed above, this court does not find any infirmity or illegality in the impugned order and chargesheet.

6. Dismissed.

November 28, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No