

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

**CRM-A-1057-MA-2016 (O&M)
Date of Decision: March 22, 2017**

Taro Bai

...APPLICANT/APPELLANT (s).

VERSUS

State of Punjab and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. N.S.Dadwal, Advocate
for the applicant-appellant (s).

SURINDER GUPTA, J.(Oral)

Heard.

This is application seeking leave to appeal against the judgment dated 23.02.2016 passed by learned Additional Sessions Judge, Ludhiana, whereby respondents were acquitted of the charge for offence punishable under Section 306 of Indian Penal Code (for short IPC).

The case of the prosecution in brief is that Sukhdev Singh son of complainant Taro Bai committed suicide on the intervening night of 16/17.05.2010. The allegations against the respondents are that they had threatened Sukhdev Singh to falsely implicate him in a case under the provisions of Narcotic Drugs and Psychotropic Substances Act (for short, 'NDPS Act'), by implanting the recovery of poppy husk on him.

Learned counsel for the applicant-appellant has argued that earlier the respondents have implicated elder son of complainant in a rape

case in which he was convicted by the trial Court but was acquitted by this Court. Thereafter, the respondents got registered a case against the applicant-appellant or offence punishable under Section 452 IPC and on investigation that case was found to be false. A great pressure was on the family of complainant and particularly the deceased who was threatened to be implicated in a false case under the provisions of the NDPS Act.

On giving a careful thought to the submission of learned counsel for the appellant-applicant, I find that neither of his submissions makes out a case of immediate abetment for Sukhdev Singh to take the drastic step to commit suicide. Admittedly, the case under Section 376 IPC was registered against his brother Balwinder Singh and others long back and it resulted in conviction of all the accused named in that FIR by trial Court. The case registered with the police for offence punishable under Section 452 IPC can not be termed as cause for abetting Sukhdev Singh to commit suicide. In that case investigation was going on and even demarcation was conducted at the spot.

The only contention of learned counsel for applicant which call for consideration is as to whether giving threat of false implication of a person can be said to be abetment.

The trial Court has looked into this argument and has answered the same while relying on observation of the Apex Court in case of **Vijay Kumar Rastogi Vs. The State of Rajasthan and others, 2012 CrI. L.J.2342** wherein it has been observed that mere threats of involving the family in a false and frivolous cases cannot be held to be tantamounting to instigation.

On perusal of the judgment of the trial Court, I find that the

contention of the prosecution that threat given to Sukhdev Singh instigated

him to take the extreme step of committing suicide, has been rightly discarded and I find no reason to allow this application to grant leave to appeal. The same is accordingly dismissed.

Resultantly, the accompanying appeal is also dismissed.

(SURINDER GUPTA)
JUDGE

March 22, 2017
jyoti-II

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