

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

(i) CRM No.A-526-MA of 2016 (O&M)

Babu Ram

...Applicant

Versus

State of Haryana and others

...Respondents

(ii) CRM No.A-1396-MA of 2016 (O&M)

State of Haryana

...Applicant

Versus

Sahab Singh and others

...Respondents

Date of decision: May 09, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Karamvir Singh Banyana, Advocate
for the applicant (in CRM No.A-526-MA of 2016).

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the applicant-State (in CRM No.A-1396-MA of 2016).

INDERJIT SINGH, J.

CRM No.24241 of 2016 in CRM No.A-1396-MA of 2016

Heard.

For the reasons mentioned in the application, the same is
allowed. Delay of 135 days in filing the application seeking leave to appeal,
is condoned.

Main cases

Both the above-mentioned cases are taken up together for

decision as the same have arisen from same judgment.

Applicant Babu Ram has filed the application under Section 378(4) Cr.P.C. seeking permission for leave to appeal against State of Haryana and other respondents and applicant State of Haryana has filed the application under Section 378(3) Cr.P.C. seeking permission for leave to appeal against Sahab Singh and other respondents, challenging the judgment dated 24.12.2015 passed by learned Addl. Sessions Judge, Kurukshetra, whereby the accused-respondents were acquitted.

It is mainly stated in the applications that accompanying appeals are likely to succeed on the grounds taken therein. It is further stated that judgment of acquittal passed by learned Addl. Sessions Judge, Kurukshetra, has caused grave miscarriage of justice. It is, therefore, prayed that leave to file appeal be granted to the applicants.

From the record, I find that challan was presented against accused Sahab Singh, Poonam, Smt.Jasmeri Devi and Ajay Kumar in case FIR No.411 dated 22.10.2014 under Section 306 IPC. The brief facts of the case as noted in the judgment passed by learned Addl. Sessions Judge, Kurukshetra, are as under:-

“2. Briefly stating the facts projected by the prosecution in its report under Section 173 Cr.P.C. are that on 22.10.2014 at about 6.20 p.m. Babu Ram son of Telu Ram resident of Shankar colony Ladwa had informed the police about the suicide of his son. On this information, SI Raj Kumar along with ASI Kuldeep Singh, ASI Rajpal and other police officials immediately rushed to the spot. On the spot the above named informant Babu Ram met ASI Kuldeep Singh and got his statement recorded.

3. In his statement the informant Babu Ram had stated that he is a retired employee of Education Department Haryana. The complainant had stated that he had four sons, one of whom namely Sandeep Kumar was married on 28.11.2012 with Poonam Devi daughter of Sahab Singh, resident of village Mukhala, Police Station Indri, District Karnal. As per above

named complainant right from the very beginning his daughter-in-law Poonam Devi used to misbehave with her husband as well as other family members and was habitual of picking up quarrels on small pretext. The complainant also stated that on one occasion, after picking up quarrel his daughter-in-law along with his (complainant's) grand daughter had left her matrimonial home and went to her parental home. As per complainant in this context on several occasions, panchayats were also convened but of no consequence. The complainant also stated that on false pretext his daughter-in-law, her parents and relatives got a false case registered against them under Section 498-A, 323, 406, 506 IPC and that family members of his daughter-in-law used to harass them (complainant & his family) physically as well as mentally and on number of occasions threatened his (complainant's) family of dire consequences.

4. The above named complainant had further stated that due to these distress conditions, created due to actions of his in-laws, his son Sandeep came under too much pressure and committed suicide by hanging himself from a ceiling fan with the help of a rope. As per complainant on that day his son had gone to his room after taking meal and that at about 5.30 p.m. he (complainant) had noticed that the room of his son, namely Sandeep Kumar, was bolted from inside and when they forced open the door of the room they found Sandeep Kumar hanging from the fan. The complainant also alleged that Sandeep Kumar had committed suicide because of the harassment meted out to him by his wife and in-laws and therefore, sought action against them."

Learned Addl. Sessions Judge, Kurukshetra, after appreciating the evidence, acquitted the accused-respondents vide impugned judgment dated 24.12.2015.

Aggrieved from the above-said judgment, present appeal along with applications for grant of leave to appeal has been filed.

I have heard learned counsel for the applicants and have gone through the record.

The perusal of the findings given by learned trial Court shows that these have been given as per evidence and law. In no way, the findings can be held as perverse or against the evidence and law. Nothing has been

pointed out as to which material evidence has been misread and which material evidence has not been considered by the trial Court. Nothing has been pointed out as to how the findings are perverse or against the law and what illegality has been committed by learned Addl. Sessions Judge, Kurukshetra.

Admittedly, Sandeep Kumar was married with Poonam Devi on 28.11.2012 and he committed suicide on 22.10.2014. It is in the evidence that wife was residing separately since 2013 in her parents' house. It is in the suicide note that case under Section 9 of the Hindu Marriage Act was filed by Sandeep Kumar (now deceased) and Poonam got registered FIR under Sections 406, 498-A, 323 IPC etc. against Sandeep Kumar and his family members.

I have also gone through the suicide note, which is detailed one running into some pages. Some pages are typed and some pages are handwritten. The perusal of the suicide note shows that the accused have not abetted Sandeep Kumar to commit suicide. Rather, perusal of the suicide note shows that deceased has written that he is in tension for the last 10 months. The normal wears and tears of the matrimonial life or matrimonial dispute or availing of the remedy by wife under Sections 406, 498-A IPC etc., in no way, amount to abetment to commit suicide. As per the suicide note, the harassment cannot be held of that extent which led Sandeep Kumar to commit suicide. There is even not an iota of evidence or averment in the suicide note to show any immediate abetment before the occurrence by any of the accused. Admittedly, Poonam, wife of Sandeep Kumar was residing with her parents and relatives in her parental house and was not residing

with Sandeep Kumar since long.

Therefore, from the record, I find that the findings given by learned trial Court are correct, as per evidence and law. Learned trial Court has correctly held that if the facts of the instant case are looked into it transpires that firstly the marital discord between the deceased and his wife was going on for the last few months as the FIR for the commission of offence punishable under Section 498-A IPC was lodged in the month of June 2014. Secondly, the perusal of record also reveals that there is reference of only three occasions when the police had called the deceased to the police station and thirdly it is established on record that on one occasion the accused was prosecuted and on two occasions the inquiries were closed. Fourthly, it is established that no illegal or unauthorized act has been attributed to the accused which might have forced the deceased to commit suicide. Learned trial Court further held that except the allegation of domestic discord, there is no significant act attributed to the accused to prove that they had instigated provoked or even suggested the deceased to commit suicide.

The Court also held that even as per evidence, the deceased was called in the police station on 21.10.2014 and on that day he was not physically tortured or otherwise harassed and he committed suicide after a gap of almost 28 hours from the last visit to Women Cell. There is no specific allegation that any kind of physical cruelty was committed either by the police or by the accused or their associates. It is further held that even perusal of the suicide note Ex.P50 shows that it was not recorded in one go. Firstly, the note is addressed to Deputy Commissioner and secondly, its first part is typed which gives an impression that probably the deceased faced with uncooperative attitude of police, wanted to lodge complaint against the

police official. The contents of Ex.P50 shows that the deceased because of various factors was in depressed state of mind.

From the perusal of the judgment passed by the Court below, I find that the findings have been given by correctly appreciating the evidence in right perspective. In no way, the judgment can be held as perverse or against the evidence. The accused have been rightly acquitted by learned trial Court.

In view of the above discussion, I find that the impugned judgment dated 24.12.2015 passed by learned Addl. Sessions Judge, Kurukshetra, is correct, as per law and evidence and does not require any interference from this Court. No ground is made out for grant of leave to appeal and therefore, both the applications stand dismissed.

May 09, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No