

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

CRR No.2932 of 2016 (O&M)
Date of Decision: November 30, 2017

Sudhir Kumar and others

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Saurabh Bajaj, Advocate
for the petitioners.

Mr.B.S.Virk, Deputy Advocate General, Haryana
for the respondent-State.

Mr.Kartar Singh Malik-I, Advocate
for the complainant.

INDERJIT SINGH, J.

The present revision petition has been filed by petitioners against respondent State of Haryana, challenging the impugned order framing the charge dated 23.05.2016 passed by learned Addl. Sessions Judge, Jhajjar and charge-sheet dated 02.06.2016.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

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

From the record, I find that challan has been presented against

07.06.2012 under Sections 306 and 34 IPC. The brief facts of the case as noted down in the impugned order dated 23.05.2016 passed by learned Addl. Sessions Judge, Jhajjar, are as under:-

“4. Briefly stated that the allegations of the complainant Sumit are that on 27.07.2015, his father has gone for his duty work in DTC Department but his name was not mentioned in the attendance register. He met the ATI Ramesh but ATI Ramesh started giving filthy abuses to him and told him to meet the DM and thereafter, DM Vikas Batra and ATI Ramesh and TI Rajbir entered the name of his father in the register and marked his absence in the register and started giving filthy abuses and told that he came late on duty despite his presence was marked at 6:58 am in the attendance machine. Thereafter, all of them has given fists and blows to him. He was admitted to hospital and was discharged on 30.05.2015. Accused in order to save themselves, had issued suspension of his father on 27.05.2015 and thereafter, on 28.05.2015, he went to police station Patel Nagar, but no case was registered. However, he was pressurized to enter into a compromise and all of accused persons had assured that he will be reinstated on 02.06.2015. However, on 02.06.2015, they misbehaved with him and stated that he had recorded on his phone that he was in drunkard condition and he was pressurized to take back the case. On 03.06.2015 and 04.06.2015, he had remained disturbed and recalled the name of all the four accused persons for maltreatment meted out to him and thereafter, in the morning of 05.06.2015, he found that his father had committed suicide. On 06.05.2015, he found a suicide note from the bag of his father wherein he had mentioned the name of above said accused persons.

5. In the suicide note dated 04.06.2015, deceased Suresh Kumar has stated that on 27.05.2015, he has gone for his duty. He was not deputed of anywhere and thereafter, he was sent to Depot Manager Vikas Batra. He also stated that Ramesh ATI was also informed about this note and he has been suspended and he was not given any duty and he is committing suicide. DM Vikas batra, driver of DM and ATI Ramesh are responsible for his death. The DM, Vikas, Ramesh ATI and driver of DM now these persons are threatening to get him removed from his service. From the aforesaid suicide note, it is clear that the deceased has specifically named of all the accused to be responsible for committing suicide by him. The MLR of the deceased Suresh Kumar shows that he had come to hospital with history of physical assault by Mr. Ramesh ATI and Vikas Batra DM and two of his body guards at around 2:00 PM on 27.05.2015. He has complaint of diffuse chest pain, nasal bleeding, inability to lift left UL above shoulder. It

is also written that A/H/O hit by stone on "L" on left shoulder. How he is also mentioned that he does not want any action on his MLC."

From the record, I find that Suresh Kumar, who committed suicide was given beatings by accused on 27.05.2015 and he was medico legally examined on that day and three ribs were found fractured. As per allegations in the FIR and in view of the statements recorded by the Investigating Officer during investigation, father of the complainant was harassed continuously. Causing of injuries in the office and giving of filthy abuses to Suresh Kumar when he comes to office to do his duties etc., in no way can be held as part of the duties. Suresh Kumar was suspended. Then, as alleged, some compromise took place and no case was registered by the police. Even suspension order was not revoked.

These facts, prima facie, show that Suresh Kumar (now deceased) was harassed to this extent that he committed suicide. Suicide note is also there. At the time of framing of the charge, the Court is only to see prima facie case, whether it is made out or not. At this stage, the Court is not to weigh the evidence for the purpose of conviction. Even, strong suspicion is sufficient to frame the charge.

From the perusal of the record, I find that no illegality has been committed by learned trial Court while framing the charges under Sections 306 and 34 IPC. Though, no detailed order is required, even then, learned trial Court has passed detailed order by giving reasonings. The impugned order dated 23.05.2016 passed by learned Addl. Sessions Judge, Jhajjar, framing the charges is correct, as per evidence and law and does not require any interference from this Court.

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

However, nothing stated above shall constitute my opinion on merits of the case. Whatever observations have been given, at this stage, are only for the purpose of deciding the present petition.

November 30, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No