

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

CRR-1924-2017(O&M)

**Date of Decision:17.07.2017**

**Simarjeet Singh and others**

.....PETITIONER

Vs.

**State of Punjab and another**

.....RESPONDENTS

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr.H.S.Brar, Advocate for the petitioners.

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LISA GILL J.(Oral)

The petitioner is aggrieved of the order dated 07.11.2016 passed by learned trial Court, whereby charge under Sections 302 and 306 IPC has been framed against them.

It is submitted that a suicide note (Annexure P-2) was left behind by the deceased wherein she stated that her in-laws used to call her mentally disturbed, whereas she was not. However, she could not bear to be insulted like this any more and neither did she have the courage to live separately on her own alongwith her children. Therefore having no other alternative, she was taking this extreme step of taking her life. It is further stated in the suicide note that she loved her children and requested her parents not to initiate any legal action against anyone, as her children's lives would be spoiled. It is further stated therein that she has full faith on her husband to maintain her children in a proper manner.

Learned counsel for the petitioner vehemently argues that in view of the said suicide note, charge under Section 302 IPC should not have been framed against any of the petitioners. In respect to petitioner No.1, the husband of the deceased, it is submitted that charge under Sections 302 and 306 IPC is

absolutely unjustified in view of the averment in the suicide note. It is thus

prayed that the impugned order dated 07.11.2016 be set aside.

I have heard learned counsel for the petitioners and have gone through the file with his able assistance.

It is not in dispute that the deceased died of burn injuries to the extent of 85 %. As per the allegations in the FIR, marriage between the deceased and petitioner no.1 was solemnized in the year 2008 and from this wedlock, a son and twins daughters were born. There are specific allegations of the deceased being subjected to cruelty and mental harassment at the hands of her in-laws including her husband. It is alleged that the deceased's in-laws asked her to fetch money from her parents. It is specifically stated that the accused-persons poured diesel upon the deceased and set her on fire. The deceased was admittedly in her matrimonial home at that time.

It is a settled position that in a given case, keeping in view the facts and circumstances, alternative charge can be framed on consideration of the evidence on record. It is always open to the learned trial Court to ultimately act under the relevant provisions as may be proved from the evidence on record.

In the peculiar facts and circumstances of the case, I do not find any ground to interfere in the impugned order dated 07.11.2016 in exercise of revisional jurisdiction of this Court.

Accordingly, this petition is dismissed.

There is a delay of 84 days in filing of the present revision petition. Keeping in view the fact that the matter has been decided on merits, the question of delay has been rendered academic.

(LISA GILL)  
JUDGE

17.07.2017  
Anjal

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|-----------------------------------|---------------|
| <b>Whether speaking/reasoned?</b> | <b>Yes/No</b> |
| <b>Whether reportable?</b>        | <b>Yes/No</b> |