

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-AS-126 of 2015 (O&M)

Date of Decision: 23.05.2018

Baljit Kaur

...Appellant

VERSUS

Harpal Kaur and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. A.P.S. Deol, Sr. Advocate with
Mr. H.S. Mavi, Advocate
for the appellant.

Ms. Manmohan Kaur, Advocate
for respondents no. 1 and 2.

Ms. Monika Jalota, DAG, Punjab.

SURINDER GUPTA, J.

This is appeal against judgment passed by Sessions Judge, Moga whereby respondents no. 1 and 2 were acquitted of the charge for offence punishable under Section 306 read with Section 34 of Indian Penal Code.

2. Jasvir Singh husband of complainant-Baljit Kaur committed suicide on 07.02.2012. The matter was reported to the police vide statement of complainant, which has been incorporated by the trial Court in para 2 of the judgment and the same is reproduced as follows:-

“.....She (complainant) was married to Jasvir Singh, resident of Village Smalsar about 24 years ago. Her husband had three more brothers. One of her elder brother-in-law lives at Ludhiana and other one lives at Jalandhar. She and her elder brother-in-law Jagtar Singh had constructed separate residences in their fields. Her brother-in-law Jagtar Singh died about 26 years ago leaving behind son Amandeep Singh, daughter Shinderpal Kaur and widow Harpal Kaur, who

without any grudge (sic reason), used to hurl abuses on them (complainant party) and used to move false applications against her husband, thereby causing him lot of harassment. Her husband was a Panchayat Member of Village Smalsar. Number of times Panchayats were convened due to such harassment but Harpal Kaur etc. did not stop abusing and harassing. At about 5.00 a.m. on that day i.e. 7.02.2012, Harpal Kaur, her son Amandeep Singh and daughter Shinderpal Kaur were giving abuses to their family. Her husband feeling distressed came out of the house at 7.15 a.m. She (complainant) was taking bath in the house. Her son Malkiat Singh had gone to college. When she came out of the house, she found that her husband, with the help of a ladder had climbed on to the Plum (Jamun) Tree situated in front of their house, where he put a small piece of cloth, with check design, around his neck and hanged himself from the tree causing (sic resulting in) his death. All these three persons had been harassing him for no reason and had abetted his suicide. Action be taken against the accused.”

3. It was alleged that the deceased had also left behind a suicide note indicting respondents for his suicide. The police arrested respondents no. 1 and 2 while the third accused, namely, Shinderpal Kaur daughter of Jagtar Singh was declared proclaimed offender.

4. The trial Court discarded the alleged suicide note left by deceased-Jasvir Singh as manipulated with the observations as follows:-

“23. In the considered opinion of the court, even if it is assumed that this suicide note was written by Jasvir Singh, it does not mention any grave or sudden provocation which could have instigated Jasvir Singh for committed suicide. Moreover, this suicide note has been written 15/16 days prior to the actual commission of suicide by Jasvir Singh on 7.02.2012. As such, allegations levelled in the suicide note loose their

significance due to the lapse of 15/16 days between writing of suicide note and actual commission of suicide by deceased Jasvir Singh. It is pertinent to mention here that the suicide note Ex.PC does not appear to be a genuine note written by Jasvir Singh. It defies logic that a person is carrying suicide note in his pocket for 15 days until he commits suicide. The handwriting of the suicide note was not got compared from the document expert when the signatures were got compared. The document expert, who compared the signatures of Jasvir Singh appearing on the suicide note with the sale deeds executed by Jasvir Singh was never produced in the court, as a witness. It appears that the suicide note has been manipulated in order to strengthen the prosecution case. As such, the suicide note does not inspire confidence of the court.”

5. It is evident that firstly suicide note was not duly proved as writing of suicide note was not proved to be in handwriting of the deceased. Secondly, this suicide note was allegedly written 17-18 days before the incident, as such, reasons given therein cannot be taken as abetment to the deceased to commit suicide. Suicide note mentions that respondents fabricate false plea to implicate the deceased as they think bad about him. They also abuse him and go to the extent of taunting him with remark that he was not born from loins of his father. Respondent no.1 is sister-in-law of the deceased while respondent no. 2 is her son and respondent no. 3- Shinderpal Kaur (proclaimed offender) is her daughter. The deceased was in age group of 45 to 50 years and a person at this stage of life is considered to be a mature and worldly-wise. Even if his nephew or niece had been uttering some bad words about him, he could take up the matter in *panchayat* instead of thinking of committing suicide. Keeping in view all

these facts and circumstances, learned trial Court concluded in para 26 of the judgment as follows:-

“26. In my considered opinion quarrel between two relations, as in the present case, is a common occurrence in the villages of Punjab. Even if, it is assumed that there was excessive abusing and teasing of Jasvir Singh on the part of the accused, Jasvir Singh could have approached the police or other authorities in power to address his grievances. Bare abuses and teasing should not lead a person to commit suicide. The accused were not in such authority or power over Jasvir Singh so as to compel him to a position of such desperation so as to commit suicide. Both the parties were on equal footing so far as their relationship is concerned. Even if there was a frequent quarrel between two parties, it has to be taken as wear and tear of village life. The regular quarrel, harassment or teasing of Jasvir Singh certainly does not amount to instigation to commit suicide. The prosecution has totally failed to prove that there was any civil or criminal case pending between the parties, which could be the bone of contention between them. Even no complaint or application was pending against him when Jasvir Singh committed suicide. The litigation or dispute, which have occurred 10/15 years back, do not constitute any instigation to commit suicide. It is a clear case, where there is neither instigation nor abetment to suicide proved on record.....”

6. Learned counsel for the appellant could not point out any evidence which has not been taken note of by the trial Court or evidence on record which could be taken as abetment for the deceased to commit suicide. Even if it be believed that there was some litigation between parties and they were not having cordial relations and respondents had gone to the

extent of using abusive language against the deceased, it could not be taken as abetment to the deceased to commit suicide.

7. On perusal of judgment of trial Court, I find no legal or factual infirmity therein calling for any interference in this appeal, which has no merit and the same is dismissed.

May 23, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***