

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

Sr. No.225

CRM-A-1537-MA-2016
DECIDED ON: October 11, 2018

RAJ BALA

..APPLICANT

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Raman Chawla, Advocate,
for the applicant.

RAMENDRA JAIN, J. (ORAL)

1. Through this application under Section 378(3) Cr.P.C., applicant-complainant prayed for grant of special leave to file the accompanying appeal against the judgment of acquittal dated 19.07.2016 of the trial court.

2. Briefly, on 15.08.2013 Rinku son of the applicant had died in train accident. After conducting inquest proceedings under Section 174 Cr.P.C. and postmortem, the police handed over dead body of Rinku to the family members of the applicant, who after 11 days, lodged FIR No.106 dated 26.08.2013 under Sections 306 & 34 IPC at Police Station GRP Hisar against respondents No.2 to 6 (in short as private respondents) raising fingers upon them that they were responsible for suicidal death of Rinku,

CRM-A-1537-MA-2016

alleging that her deceased son Rinku was married on 15.02.2013 with respondent No.4-Deepak daughter of respondents No.2 & 3 namely Mahender Pannu and Kitabo Devi. After marriage her deceased son developed some doubt about the character of his wife Deepak as she used to talk with strangers in late night. She did not mend her ways, despite request of her son to her not to do so. Even she used to go with strangers in late night in their vehicles. Consequently, Rinku complained of her behaviour to her parents and brothers, who in turn threatened him to involve in a false case of dowry. In the first week of July, 2013, a quarrel ensued between her deceased son and his wife on account of her talking with some unknown persons. As a result thereof, wife of her deceased son left matrimonial home without informing him. The applicant-complainant and her deceased son Rinku visited the house of the private respondents and narrated the entire story, whereupon they intimidated the applicant and her deceased son to involve in a dowry case. Respondents No.5 & 6, who are drug addicts and vagabonds, also threatened to kill them and refused to send Deepak. In the morning of 15.08.2013, her deceased son went to the house of private respondents to take back his wife. However, after some time dead body of her deceased son Rinku was lying found on railway track.

3. After holding trial, private respondents have been acquitted by the trial court vide judgment dated 19.07.2016.

4. *Inter alia*, learned counsel for the applicant contends that trial Court has failed in not relying upon the unrebutted statement of PW-1 Rajbala duly corroborated by her son Ran Sanga (PW-2). There was cogent and convincing evidence on the record. The trial Court failed to appreciate that Rinku deceased son of the applicant had committed suicide on account

CRM-A-1537-MA-2016

of abetment by the private respondents, inasmuch as wife of her deceased son refused to accompany him, nor the other private respondents persuaded her to accompany her deceased son. Rather, they extended threat to falsely implicate them in a dowry case which resulted into abetment to her son to commit suicide.

5. Having given thoughtful consideration to the submissions made by learned counsel for the applicant, this Court finds no merit in the instant application for the reasons to follow:

(i) There is a delay of 11 days in lodging FIR No.106 dated 26.08.2013 under Sections 306 & 34 IPC at Police Station GRP Hisar. Therefore, possibility of false implication of the private respondents after due deliberations cannot be ruled out.

(ii) The prosecution even failed to prove its contention that on the relevant date deceased Rinku had gone to her matrimonial home to take his wife Deepak, inasmuch as last seen witness Surjeet was not examined in the Court for the reasons best known to it. Therefore, alleged visiting of his matrimonial home by deceased Rinku on 15.08.2013 is not proved on the record.

(iii) No suicide note was left by the deceased Rinku, while committing suicide raising finger on anyone. Even otherwise, no cogent and convincing circumstances has been brought by the prosecution on record qua its allegation against private respondents of abetment to deceased Rinku to commit suicide.

(iv) Complainant PW-1 Rajbala and her son Ran Sanga PW-2 were interested witnesses. Therefore, their testimony has rightly been discarded by the trial court in the absence of any corroboration.

CRM-A-1537-MA-2016

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(v) Statement of PW-2 Ran Sanga is completely based upon hear say as he, appearing in the witness box, testified that he was residing separately from his mother PW-1 Rajbala and his deceased brother Rinku. He does not know the real facts regarding the incident in question. His mother narrated the facts to him on the basis of which, he had come to the Court.

(vi) That apart, PW-2 Ran Sanga is also witness to the inquest proceedings under Section 175 Cr.P.C. wherein he showed his ignorance about the death of his brother Rinku before police. The silence of PW-2 at the time of conducting inquest proceedings about alleged visiting of his deceased brother Rinku to her matrimonial home to take back his wife, who was a lady of easy virtue and thereafter, disclosing the same while appearing as PW-2 is definitely an improvement and afterthought story. Therefore, the same has rightly been discarded by the trial Court.

(vii) Even otherwise, there is no cogent or convincing evidence on record that wife Deepak of deceased Rinku was a lady of easy virtue and used to talk with strangers in late night, which perturbed the deceased. No such record in this respect was proved or produced in the Court.

6. I have gone through the aforesaid judgment dated 19.07.2016 and find no merit in instant application. Accordingly, leave to appeal is declined.

October 11, 2018

Ankur

**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**