

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1874 -MA-2018 (O&M)

Date of decision: 20.11.2018

Surjit Singh

.....Applicant

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldeep Singh

Present: Ms.Harpreet Kaur Dhillon, Advocate for the applicant

- 1. Whether Reporters of Local newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldeep Singh, J. (Oral)

This order will dispose of an application filed under Section 378(3) Cr.P.C. for grant of special leave to appeal filed by the complainant Surjit Singh.

Heard.

Sukhdeep Kaur @ Sony wife of deceased Lakhvir Singh was alleged to have illicit relations with Gurpreet Singh son of Raj Singh, who is stated to be teacher by profession. This was objected to by the deceased Lakhvir Singh, who was having three daughters from the marriage. On the date of occurrence i.e. 31.5.2016 at about 4.00 p.m. both the accused Sukhdeep Kaur and Gurpreet Singh went away somewhere from the house. Lakhvir Singh could not bear the insult and committed suicide by hanging himself from the ceiling fan. Abetment is defined in Section 107 IPC. It can be by three means. Firstly, by instigation, Secondly, by conspiracy and thirdly by aiding. The present act of accused is stated to be brought in first

clause i.e. instigation.

Now, this Court is to examine as to whether case of the accused in going away from home or having illicit relation amounts to abetment. It is not alleged anywhere by any witness that the accused at any stage used same provocative words towards Lakhvir Singh so as to instigate him to commit suicide. They simply went away on the day of crime, which was immediate reason for Lakhvir Singh to commit suicide. Reaction to such situation depend upon person to person. The mere act of going away cannot held to be an instigation and fall within the definition of abetment.

There is no illegality or infirmity in the impugned judgment of the trial Court. Hence, leave to appeal is declined.

Resultantly, the present application stands dismissed.

20.11.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No