

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-609-SB of 2014

Date of Decision: 16.05.2018

Madan Lal

...Appellant

VERSUS

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sukhdeep Parmar, Advocate
for the appellant.

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

Heard.

This is appeal against acquittal of respondent no.2-Raghubir Singh in case bearing FIR No. 266 dated 21.09.2011, registered at Police Station Taraori for offence punishable under Section 306 of Indian Penal Code.

As per complainant, respondent no. 2-Raghubir Singh and his son were under influence of some super natural power and he used to say that wife of deceased-Raj Kumar (brother of complainant) was instrumental in invoking evil spirits and putting them under the impact of those spirits. On this score there used to be altercation between them.

On 21.09.2011 at about 08.00 a.m., respondent no. 2-Raghubir Singh abused family of complainant and blamed them for condition of his son. He also hit the deceased, who was sitting in the street, with a *lathi* blow.

On the same day at about 11.00 a.m., the deceased made a telephonic call to complainant informing him that he had consumed some poisonous tablets and was lying on Karsa road. He was taken to hospital

where he died. The matter was reported to the police by complainant-Madan Lal on the basis of which instant FIR was registered. The police after completion of investigation presented challan against respondent no. 2 and after trial he was acquitted by learned Additional Sessions Judge, Karnal with the observation that prosecution has failed to prove that respondent no. 2 had abetted the deceased to commit suicide.

Learned counsel for the appellant has argued that respondent no. 2 was blaming wife of the deceased for the condition of his son, who was stated to be under the influence of super natural power. He had also given *lathi* blow to the deceased on the day of occurrence and this had led the deceased to take extreme step of committing suicide. He has further argued that continuous blaming of wife of the deceased for releasing super natural power under her control, on the son of respondent no. 2, had made life of the deceased miserable and this was ample abetment and cause for committing suicide by the deceased.

Learned trial Court on appraisal of evidence has observed that a scuffle between the deceased and respondent no. 2, as per prosecution version, took place at 08.00 a.m. The deceased made telephonic call to complainant at 11.00 a.m. informing him that he had consumed some poisonous tablets. There is nothing to infer that during the period in between 08.00 a.m. to 11.00 a.m. there was any abetment and the effect of scuffle continued till the deceased consumed some poisonous substance. Even if the entire version of prosecution and the evidence on record be believed, the question which arises for consideration is as to whether it reflects or points out any abetment on the part of respondent no. 2 in abetting the deceased to commit suicide. The first allegation that son of respondent no. 2 was under

deceased for this. The second reason as put forth by prosecution is scuffle that took place between deceased and respondent no. 2 in the morning on 21.09.2011 and giving of *lathi* blow by respondent no. 2 to deceased-Raj Kumar. Both these circumstances cannot by any stretch of imagination be considered as amounting to abetment to deceased to take extreme step of committing suicide. The deceased had left his house and gone away. There may be some other reasons for him for consuming poison. Trial Court has taken note of this fact that prior to this incident even wife of the deceased had consumed poisonous substance, who could be saved because of timely medical assistance provided to her. Trial Court has found the defence version put forth by respondent no. 2 as probable that he has participated in *panchayat* proceedings where allegations were levelled against deceased and he was blamed for consumption of poisonous substance by his wife. PW-11 Sunita wife of the deceased had stated that prior to incident dated 21.09.2011, no dispute had taken place between them and respondent no. 2. From facts and circumstances as discussed above and on appraisal of evidence on record, trial Court after discussing law on the point has reached the conclusion that allegations levelled against respondent no. 2 do not constitute commission of offence punishable under Section 306 IPC.

On perusal of judgment of trial Court and keeping in view facts and circumstances of the case, I find no legal or factual infirmity therein calling for any interference in this appeal.

This appeal has no merit and the same is dismissed.

May 16, 2018
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No