

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 30.07.2018

1. CRR-3089-2016 (O&M)

Amrik Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

2. CRR-3169-2016 (O&M)

Kiran Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. A.S. Syan, Advocate
for the petitioners (in both petitions).

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. B.S. Toor, Advocate
for the complainant (in both petitions).

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these petitions is for setting aside the order dated 13.05.2016, vide which the trial Court has declined to discharge petitioners Amrik Singh and Sarabjit Kaur and for setting aside the order dated 13.05.2016, vide which all the petitioners were charge-sheeted and charges against them have been framed under Sections 306, 120-B of the Indian Penal Code (for short 'IPC') in FIR No.167 dated 29.06.2015, registered at Police Station City

Barnala.

Brief facts of the case are that on the statement of Jugraj Singh, the aforesaid FIR was registered with the allegations that his son Gurdeep Singh was married with Kiran Kaur daughter of Amrik Singh and Sarabjit Kaur on 22.03.2015 and thereafter, his wife Kiran Kaur started harassing him on the pretext that he is not a suitable match for her, as his educational qualification is much lesser than her. The complainant further stated that he tried to intervene and pacify his daughter-in-law as well as her parents and instead, the petitioners started threatening him. It is further stated that on 22.06.2015, petitioners Amrik Singh and Sarabjit Kaur had consulted his son by saying that he is not a suitable match for Kiran Kaur. On this, his son Gurdeep Singh felt insulted and again on 28.06.2015, his daughter-in-law Kiran Kaur started quarreling with his son Gurdeep Singh and slapped him in presence of the complainant. After this incident, Gurdeep Singh went to his room, sprinkled petrol on him and set himself on fire and due to burn injuries, he later on died.

Learned counsel for the petitioners has submitted that the police, during the investigation, has recorded the statement of some persons and thereafter, submitted the report under Section 173 Cr.P.C. Counsel for the petitioners has further submitted that at the time, when the case was fixed for framing of charge, an application (Annexure P-6) was moved for discharging petitioners Amrik Singh and Sarabjit Singh on the ground that the allegations are only against their daughter Kiran Kaur/co-accused, who was married to deceased Gurdeep Singh and there are no direct allegations of abetment as per Section 107 IPC against them and as per version given in the FIR, the petitioners have provoked deceased Gurdeep Singh on 22.06.2015, whereas he

committed suicide much after on 28.06.2015. It is further submitted that no suicide note was written by the deceased to implicate the petitioners.

In reply, learned State counsel assisted by learned counsel for the complainant has submitted that there are direct allegations in the FIR that the petitioners have made a call to deceased Gurdeep Singh and threatened him to set on fire. A bare perusal of the FIR shows that there is sufficient evidence of abetment at the instance of the petitioners, which resulted into committing the suicide by Gurdeep Singh on 28.06.2015 by sprinkling petrol and put himself on fire, which shows that at that time, the deceased was under great mental pressure of the petitioners that he took such a step. It is further submitted that at the stage of framing of charge, prima facie allegations are to be seen and the trial Court has rightly held that no ground for discharge of petitioners Amrik Singh and Sarabjit Kaur is made out, therefore, the charges under Section 306, 120-B IPC are framed against them as well as petitioner/co-accused Kiran Kaur.

Learned State counsel has further submitted that as per the FIR, accused persons were continuously harassing the deceased on account of his less educational qualification despite the fact that it was an arranged marriage. It is also submitted that from the bare perusal of FIR, ingredients of Sections 306, 120-B IPC are made out.

After hearing learned counsel for the parties, I find no merit in both the petitions.

The arguments raised by learned counsel for the petitioners can only be decided during the course of trial, after leading the prosecution evidence. A perusal of the statement of complainant Jugraj Singh shows that

deceased Gurdeep Singh was married to co-accused Kiran Kaur just three months before the alleged occurrence and there are direct allegations that in the intervening period, the petitioners were harassing and humiliating him on account of his less education.

As per version given in the FIR, accused persons were not having liking for Gurdeep Singh and there was a quarrel on 22.06.2015 between husband and wife and when deceased Gurdeep Singh brought this fact to the notice of petitioners Amrik Singh and Sarabjit Kaur, petitioner No.2 Sarabjit Kaur asked to him to go where he wants and die and on feeling provoked and abetted, he committed the suicide.

Considering the allegations in the FIR, the statements of prosecution witnesses recorded under Section 161 Cr.P.C. and the arguments raised by learned counsel for the parties, trial Court has rightly framed charges under Sections 306, 120-B IPC while dismissing application for discharge by passing a well reasoned order. The points raised by petitioners can only be decided during the course of trial, therefore, I find no illegality in the impugned order dated 13.05.2016, vide which the application for discharge filed by petitioners Amrik Singh and Sarabjit Kaur was dismissed and charges were framed against all the three accused persons, hence both the aforesaid petitions are dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

30.07.2018
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No