

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

I.

CRR-4130-2016 (O&M)
Date of decision : 17.4.2018

Ranjit Singh

... Petitioner

VERSUS

State of Punjab and others

... Respondents

II.

CRM-M-12693-2017

Ravneet Kaur and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. B.S.Batth, Advocate,
for the petitioner in CRR-4130-2016 and
for the complainant in CRM-M-12693-2017.

Mr. Navkiran Singh, Advocate,
for the petitioner in CRM-M-12693-2017 and
for respondents No.2 to 6 in CRR-4130-2016.

Mr. RBS Chahal, Addl. AG, Punjab.

RAJ SHEKHAR ATTRI, J.(Oral)

By this judgment, I shall dispose of the aforesaid two petitions
as both of them have arisen from the common order dated 13.9.2016 passed
by learned Additional Sessions Judge, Fatehgarh Sahib.

Briefly stating, it is the common case of the parties that

deceased Kamaljit Singh was married with Ravneet Kaur (petitioner in CRM-M-12693-2017). From this wedlock, they were blessed with a son named Sidakpreet Singh born in the year 2011. Remaining petitioners in CRM-M-12693-2017 namely Khushdev Singh alias Bagga, Charanjit Kaur, Baljit Singh and Narinder Singh are the relatives of Ravneet Kaur.

It is the further case of the prosecution that the relations between deceased Kamaljit Singh and his wife Ravneet Kaur were not cordial. It seems she went in depression due to this. A report was lodged by Ravneet Kaur to the police against her husband. However, the matter was resulted into a compromise on 11.8.2013 (P-2) vide which she agreed to stay in the house of her father as she was getting medical treatment from PGIMER, Chandigarh. Unfortunately, on 29.8.2013, Kamaljit Singh gave poison to his minor son Sidakpreet Singh and himself consumed the same. Both of them had died. After his death, his father Ranjit Singh (petitioner in CRR-4130-2016) lodged FIR on the allegations that his daughter-in-law Ravneet Kaur and her parental family had abetted Kamaljit Singh to commit suicide and this is why Kamaljit Singh had committed the murder his minor son before committing suicide.

During the investigation, the investigating agency came to the conclusion that in fact Ranjit Singh wanted to keep away his daughter-in-law from his property, therefore, he lodged false FIR. The police recommended cancellation of the FIR. However, Ranjit Singh complainant filed a criminal complaint [bearing Complaint No.109 of 27.8.2015] before the learned Judicial Magistrate, 1st Class, Fatehgarh Sahib against all the petitioners in CRM-M-12693-2017. After conducting preliminary inquiry, the learned Magistrate summoned all of them to face trial for the offence

under Sections 306 of Indian Penal Code. The case was committed for trial. Learned Additional Sessions Judge vide order dated 13.9.2016 framed charge against all of them and the trial was initiated.

Learned counsel for petitioner Ravneet Kaur and others in CRM-M-12693-2017 has vehemently contended that no offence for abetting the commission of offence under Section 306 Indian Penal Code is made out. To support his contentions, he placed reliance upon the judgment of Hon'ble Supreme Court in **Gangula Mohan Reddy v. State of Andhra Pradesh**; 2010 (1) RCR (Criminal) 603.

Learned counsel for the complainant-(petitioner in CRR-4130-2016) has vehemently contended that under the provisions of sections 111, 112 and 113 of Indian Penal Code, it is the liability of the abettor for committing murder of Sidak Preet Singh, therefore, all the accused are liable for the offence of murder of Sidakpreet Singh.

I have heard the learned counsel for the parties and have given thoughtful consideration to the rival contentions.

In this case, the investigating agency after investigation submitted cancellation report. However, a complaint was filed in which petitioner-Ravneet Kaur and her co-petitioners have been summoned. Now charge has been framed against her for the offence under Section 306 Indian Penal Code.

It is settled proposition of law that charge can be altered at any stage of the trial and the charge which has not been proved, can be withdrawn. It is for the trial court to appreciate the evidence and to observe if offence for abetting the commission of suicide is proved beyond shadow

distinguishable on facts.

To the mind of this Court, learned Magistrate after appreciating the material available on record summoned the accused and after their appearance, frame the charge in a proper manner.

So far as CRR-4130-2016- titled as Ranjit Singh v. State of Punjab and others- is concerned, to the mind of this court, provisions of Sections 111, 112 and 113 of Indian Penal Code are not applicable in the case in hand. In this case, Kamaljit Singh as well as his minor son Sidakpreet Singh had died by consuming poison. At that time, none was at home. The petitioner Ravneet Kaur was in the house of her father whereas complainant Ranjit Singh was in the field. Apart from it, after conclusion of the trial, it shall be seen by the trial Court which offence is proved.

Keeping in view the above, this Court is of the opinion that impugned orders do not suffer from any illegality, infirmity and irregularity and do not call for any interference by this Court, as such, both the petitions are dismissed.

April 17, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No