

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

CRR-3785-2017(O&M)
Date of decision:-9.3.2018

Harjit Kaur and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Ms.Puja Chopra, Advocate
for the petitioners.

Mr.Saurav Khurana, DAG, Punjab.

Mr.Sanjeev Manrai, Senior Advocate with
Mr.Abhimanyu Singh, Advocate
for the complainant.

H.S. MADAAN, J.

This revision petition is directed against the order dated 5.2.2015 passed by learned Additional Sessions Judge, Patiala finding that prima-facie charge for offence under Section 306 IPC was disclosed against the accused - Sukhvir Singh, Kuldeep Kaur alias Manpreet Kaur, Hardeep Kaur, Harjeet Kaur and Lakhwinder Singh @ alias Lakhvir Singh as well as charge-sheet of the even date for the said offence served upon the accused.

Briefly stated, facts of the case are that FIR in this case was recorded on the basis of statement of complainant – Darshan Singh son of

Joginder Singh, of Kamboj community, resident of village Amarpur, Police Station Sanour, District Patiala, which he made to the police of Police Station Sanour contending therein that his son Mandeep Singh was married with Kuldeep Kaur alias Manpreet Kaur daughter of Prithi Singh, resident of Bosar Kalan Road, Sanour about 7-8 months earlier but soon after the marriage, the in-laws of his son started quarrelling with him and there arose differences between his son Mandeep Singh and his wife Kuldeep Kaur; that Kuldeep Kaur wanted her husband to separate from his parents and she had gone back to her parental house after quarrelling with her husband; that she was carrying seven months pregnancy at that time; that he and his son had made efforts to bring back his daughter-in-law Kuldeep Kaur to the matrimonial home but to no effect; that earlier also when his son had gone to bring his wife Kuldeep Kaur from her parental place, then his mother-in-law Harjit Kaur, brother-in-laws Lakhbir Singh and Sukhvir Singh had given beatings to him besides abusing him and Hardeep Kaur wife of Lakvir Singh raised a quarrel by coming to the house of complainant and took along all jewellery from Kuldeep Kaur with her; that Shyam Roop alias Raju son of Harpal Singh, resident of village of complainant threatened his son Mandeep Singh several times that he and his family would be implicated in a false dowry case and sent to jail; that on 9.7.2014, the complainant went to parental house of his daughter-in-law with a request that Kuldeep Kaur be sent along with him and he would arrange separate residence for Mandeep Singh and Kuldeep Kaur, however, parents of Kuldeep Kaur did not agree and rather the complainant was insulted and abused; that the complainant informed his son Mandeep Singh, hearing that Mandeep Singh went

inside the house and after some time when his condition started deteriorating, on being inquired by complainant, he disclosed that he was very upset due to the behaviour of his wife Kuldeep Kaur @ Manpreet Kaur, mother-in-law Harjit Kaur, brother-in-laws Lakhvir Singh and Sukhvir Singh, Hardeep Kaur wife of Lakhbir Singh and Shyam Saroop alias Raju son of Harpal Singh and had taken celphos tablets to end his life. According to the complainant, he took him to Amar Hospital for treatment, where Mandeep Singh died. After registration of formal FIR, the matter was investigated. The accused were arrested in this case. After completion of investigation and other formalities, challan against them was prepared and filed in the Court. Thereafter, charge for the offence under Section 306 IPC was framed against the accused, to which, they pleaded not guilty and claimed trial. However, they have brought the present revision petition. Notice of the petition was issued to respondents, who put in appearance through counsel.

I have heard learned counsel for the parties besides going through the record.

The revision petition has been filed belatedly by 888 days. Though an application for condonation of delay in filing of the revision petition has been moved contending that petitioners had engaged a counsel to file appropriate petition before this Court and said counsel had filed a petition bearing CRM-M-7240 of 2015 in this Court. Ultimately their counsel informed that the petition had been dismissed as withdrawn. The petitioners collected the brief and came to know that wrong statement was made by counsel, who had not been engaged by petitioners and who was not authorized to make statement on their behalf, thereby causing

delay of 888 days in filing of the revision petition. This application is being resisted by learned State counsel and I find that no plausible or satisfactory explanation is there to condone the delay. Section 3 of the Limitation Act, 1963 deals with Bar of Limitation providing that every suit instituted, appeal preferred, and application made after the prescribed period shall be dismissed although limitation has not been set up as a defence. Therefore, the petitioners have not been able to cross the hurdle of limitation, as such, the revision is liable to be dismissed on that score alone.

However, on merits also, the petitioners do not have any case. The earlier petition filed by them had been withdrawn by their counsel, though the petitioners allege that they had not engaged such counsel and he was not authorized to make a statement withdrawing the petition but such contentions do not appear to have any merit. Admittedly, the petitioners have not taken any action against such counsel for withdrawal of their earlier petition unauthorizedly. The earlier petition having been withdrawn, the present petition on the same facts is certainly not maintainable since no permission is shown to have been sought or given to file another petition on the same set of facts. However, if we see the petition on merits, then we find that petitioners are specifically named in the FIR. Mandeep Singh had committed suicide. It is his father the complainant who in his statement to the police, which formed basis for registration of the FIR, has categorically stated that accused used to harass the deceased and they had also insulted and humiliated him when he went to the house of parental house of Kuldeep Kaur to persuade her to return to the matrimonial home. Thus, prima facie abetment to suicide of

Mandeep Singh comes out to be there and no fault can be found with the order directing framing of charge for the offence under Section 306 IPC and framing of such charge against the accused. The law is well settled that charge can be framed on the basis of strong suspicion even. But here sufficient material was admittedly available to frame formal charge for the offence under Section 306 IPC. The absence of any litigation between Mandeep Singh deceased and his wife Kuldeep Kaur and Darshan Singh not leaving any suicide note do not affect the merits of the case.

I do not find any wrong in the impugned order, rather it is well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law.

In view of the above discussion, no infirmity or illegality in the impugned order is found to be there, which might have warranted interference by this Court Resultantly, the revision petition stands dismissed.

Copy of the order be sent to the trial Court for information and necessary action.

9.3.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No