

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

**CRA-S-4446-SB-2014 (O&M)
DECIDED ON: 05.03.2019**

BABU SINGH

...APPELLANT..

VERSUS

SANDEEP KAUR AND ORS.

...RESPONDENTS..

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. L.S. Sekhon, Advocate,
for the appellant.

Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this appeal challenge has been laid to judgment dated 11.08.2014 of the trial court, whereby respondents No.1 to 3 were acquitted, after holding trial under Section 306 IPC.

Briefly, respondent No.1-Sandeep Kaur was married to deceased Happy Singh. Respondent No.2 is her father, whereas respondent No.3 is her brother. Respondent No.1 being in illicit relations with Amarjit Singh, absconded with him; and returned after around 20 days. A panchayat was convened, in which, respondents threatened Happy Singh that they will not allow him to live with his wife Sandeep Kaur, who finally took away her children, leaving her husband in tension. Consequently, on 04.11.2009, when Happy Singh

went to take back his wife and his daughter Harman Kaur, his father-in-law and brother-in-law i.e. respondents No.2 and 3 respectively ill-treated him, on account of which, Happy Singh consumed poison and died.

Being aggrieved, father of Happy Singh lodged FIR No.148 dated 05.11.2009, under Section 306 IPC, Police Station Sadar Malerkotla.

After holding trial, respondents were acquitted by the trial court vide impugned judgment dated 11.08.2014.

Learned counsel for the appellant contends that the impugned judgment is based on surmises and conjectures. The trial court has failed to appreciate that PW-3 SI Sant Singh, Investigating Officer had categorically testified that he had recovered jeep from outside the house of the respondents, taken by the deceased Happy Singh to bring his daughter Harman Kaur back to her parental home, which shows that Happy Singh had died outside the house of respondents after consuming poison. None of the respondents has taken defence in their statements under Section 313 Cr.P.C. that Happy Singh had died due to some property dispute with his step mother. There was no reason for Happy Singh to consume poison at his in-laws village unless, he was tortured by the respondents.

Having given thoughtful consideration, this Court finds instant appeal completely devoid of any merit for the reason to follow:-

Refusal of handing over the custody of Harman Kaur, own

daughter of Happy Singh by the respondents cannot be termed as an act of abetment to commit suicide, inasmuch as, such act of the respondents is not so grave, which could force Happy Singh to commit suicide. The death of Happy Singh in the village of respondents, is, also not sufficient to prove the guilt of the respondents for abetting Happy Singh to commit suicide, in the absence of any corroborative evidence. The respondents could not have been convicted on the basis of mere suspicion.

I have gone through the judgment dated 11.08.2014 and find no illegality or perversity in the same. Consequently, it is upheld.

Dismissed.

05.03.2019

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**(RAMENDRA JAIN)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes/No
Yes/No**