

CRM-A-626-MA of 2016

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

CRM-A-626-MA of 2016
Date of Decision: 06.03.2019

Anil

....Applicant

Versus

Bhim Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Rahul Vats, Advocate,
for the applicant.

Mr. Ashok Muthreja, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through instant application under Sections 378(3) and 372 read with Section 482 Cr.P.C. applicant-complainant has sought permission to file appeal against judgment dated 01.02.2016 of the trial Court, whereby respondents No.1 to 3 have been acquitted in case FIR No.144 dated 29.05.2013 registered under Sections 306/34 IPC at Police Station Rai, Sonipat.

Briefly, on 28.05.2013, real brother of the applicant committed suicide leaving behind two suicide notes, out of which one was recovered from his clothes, which he was wearing at the time of his suicidal death and another from his bedroom, wherein he had named private respondents, who are father-in-law, brother-in-law and wife of the applicant, as responsible for his suicidal death. Consequently, aforesaid FIR was

registered. After completion of investigation, final report under Section

CRM-A-626-MA of 2016

173(2) Cr.P.C. was filed against private respondents to face trial under Sections 306/34 IPC. However, after holding trial, private respondents were acquitted by the trial Court vide impugned judgment dated 01.02.2016.

Learned counsel for the applicant *inter alia* contends that the trial Court failed to appreciate that names of the private respondents were cited by deceased Rohtash in his suicide note as responsible for his death and that there was a matrimonial discord between applicant and his wife respondent No.3 – Renu, on account of which her father and brother i.e. respondents No.1 and 2 threatened and harassed the deceased.

Having given thoughtful consideration to the submissions made above, this Court finds the instant application completely devoid of any merit for the reasons to follow.

There cannot be any nexus in between suicidal death of Rohtash and matrimonial discord in between applicant and respondent No.3. Prosecution could not prove authenticity of suicide notes Ex.PW2/B and PW2/D. Even the prosecution miserably failed to prove before the trial Court that aforesaid suicide notes were written by the deceased in his own hand writing. Therefore, it can safely be inferred that the alleged suicide notes were not hand written by deceased, rather was a handiwork of applicant or his family members to falsely implicate the private respondents to take revenge from them on account of matrimonial discord of the applicant with his wife respondent No.3. Private respondents contrary to the prosecution story proved medical report Ex.D2, showing that deceased was a patient of HIV positive. Therefore, his possibility of

committing suicide could not be ruled out.

I have gone through the impugned judgment of the trial Court

CRM-A-626-MA of 2016

and find no illegality or perversity in the same.

Hence, leave to appeal is declined.

March 06, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No