

CRR-484-2019

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

CRR-484-2019 (O & M)
Date of Decision: 19.12.2019

Laxman @ Bhagirath and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shiv Kumar, Advocate,
for the petitioners.

Mr. Rahul Mohan, DAG, Haryana.

HARNARESH SINGH GILL, J.

CRM-7077-2019

Heard.

For the reasons as mentioned in the application, the same is allowed and the delay of 40 days in filing the present revision petition is condoned, subject to all just exceptions.

CRR-484-2019

The petitioners have challenged the order dated 18.10.2018 passed by the learned Additional Sessions Judge, Faridabad, vide which petitioners, Laxman @ Bhagirath and Shimla, have been summoned under Section 193 Cr.P.C. to face the trial in case FIR No.12 dated 21.02.2015 under Sections 306 and 506 IPC, registered at Tigaon, Faridabad.

As per the prosecution version, Omdev, Shubham son of Pradeep (since deceased), Shimla, wife of Pradeep and Laxman, elder

CRR-484-2019

brother of Pradeep firstly abused Pradeep and then Shimla stated that that he is impotent and useless thus he had no right to live. Omdev had picked up a *khatpawri* and ran towards Pradeep, but complainant Sarda Ram, father of Pradeep, had stopped him. Still, all of them had given severe beatings to the complainant, his wife and son Pradeep. Subsequently, Pradeep had started vomiting and had been taken to the Hospital where he had died. The doctors had taken out two suicide notes from the pocket of Pradeep. As per the opinion of the doctors, the cause of death was Organophosphorous Pesticide Poisoning.

On the statement of complainant, a case was registered under Sections 306, 506 and 34 IPC. During investigation, the present petitioners and Shubham had been found to be innocent and enquiry report was filed only against Child in conflict with law (CCL).

On 18.10.2018, at the time of consideration on charge, the learned Additional Sessions Judge, Faridabad, has found that there is sufficient evidence on record, which makes a prima facie case against the present petitioners for having instigated Pradeep to commit suicide. In the complaint, names of both the petitioners had been specifically mentioned by complainant Sarda Ram. Shimla is daughter-in-law of complainant and Laxman @ Bhagirath is his son. While summoning the petitioners under Section 193 Cr.P.C., the Court has also taken into consideration the two suicide notes and the Will executed by Pradeep.

I have heard the learned counsel for the petitioners, the learned State counsel and with their able assistance, have also gone through the paper-book.

CRR-484-2019

I am of the considered opinion that both Shimla (wife of deceased-Pradeep) and Laxman (brother of deceased) have been rightly summoned by the learned Additional Sessions Judge, Faridabad. Complainant-Sarda Ram has specifically mentioned the names of the petitioners in the complaint and even in the suicide notes, the deceased stated that his wife (Shimla) had illicit relations with his brother Laxman. Even in the Will, while bequeathing his entire property upon his mother and disowning his wife and children, he mentioned that his wife and his children had beaten him and his parents on many occasions.

In view of the above, I do not find any ground to interfere with the impugned order.

Therefore, finding no merit in the present revision petition, the same is dismissed.

December 19th, 2019
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Note: Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No