

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-37134-2016

Date of decision: 08.01.2019

Gurmail Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sunil Chadha, Senior Advocate with
Ms. Swati Verma, Advocate for the petitioners.

Mr. Davinder Bir Singh, DAG, Punjab.

Mr. Narinder Singh, Advocate for respondent No. 2.

RAMENDRA JAIN, J. (ORAL)

Through this second petition under Section 482 Cr.P.C., prayer has been made for quashing FIR No. 51 dated 13.05.2016 (Annexure P-1) registered under Sections 306 read with Section 34 IPC at Police Station Amargarh, District Sangrur and all the subsequent proceedings arising therefrom including final report under Section 173(2) Cr.P.C., dated 02.08.2016 (Annexure P-2).

Briefly, deceased-Dharminder Singh, lodged FIR No. 30 dated 14.03.2016, under Sections 326-A, 341, 323, 324, 234, 506, 148 and 149 IPC, Police Station Amargarh, against 10 persons, namely; Vindi, Bagga, Dev Singh, Darshan Singh, Beant Singh, Jasbir Singh, Amritpal Singh along with three un-identified persons, on the allegations that on 13.03.2016, the aforesaid persons threw acid upon his face and

also attacked Charanjit Singh, who tried to rescue him.

To counter this, the aforesaid accused party got lodged cross-version vide DDR No. 43 dated 15.03.2016 under Sections 323, 326, 506, 148 and 149 IPC against Charanjit Singh, Tej Kaur, Swaran Singh, Mandeep Kaur, Parminder Singh, Jagdev Singh and Dharminder Singh (deceased), on the allegations that on 13.03.2016, complainant party attacked upon them.

However, after around two months in the evening of 10.05.2016, Dharminder Singh, had committed suicide by jumping into a canal.

Resultantly, his father Harjinder Singh-respondent No. 2, lodged impugned FIR (Annexure P-1) against the petitioners and one Varinder Singh S/o Gurmail Singh (petitioner No. 1), who during investigation was found innocent.

After completion of investigation final report under Section 173 Cr.P.C., was filed against the petitioners under Section 306 read with Section 34 IPC, placing co-accused-Varinder Singh, in column No. 2 as innocent. However, upon application under Section 319 Cr.P.C., he was summoned as an additional accused to face trial.

Learned counsel for the petitioners *inter alia* contends that investigating agency could not collect any evidence against the petitioners and Varinder Singh, now summoned as additional accused, showing their complicity in the alleged suicidal death of Dharminder Singh. The instant FIR, is a counter-blast to the earlier cross-version got recorded by the members of petitioners' party against the complainant in

the month of March, 2016. The alleged incident of intimidating deceased-Dharminder Singh, according to the prosecution story is of the morning of 10.05.2016 around 8.30 AM. Dharminder Singh committed suicide in the evening on the same day. Deceased throughout the day remained at home and did not disclose anything to anyone. It is unbelievable that a person, would leave his slippers and clothes before committing suicide by jumping into a canal. In ordinary course, a person, who has made up his mind to commit suicide would directly go to the canal and jump straight away without removing clothes and slippers. Dharminder Singh had drowned in the canal on his own. His father Harjinder Singh-respondent No. 2, in order to take revenge on account of cross-version, got lodged false FIR (Annexure P-1) against the petitioners, under pressure of a 'Dharna' of the villagers outside the police station being managed by him. The deceased did not leave any suicide note.

On the other hand, learned counsel for complainant-respondent No. 2, vehemently opposing the above submissions of learned counsel for the petitioners urged that during investigation, the police had found the complicity of petitioners. There are specific allegations of instigating deceased-Dharminder Singh to commit suicide. Earlier, the petitioners had deformed his face by throwing acid. There is ample evidence on record that deceased committed suicide on account of instigation of the present petitioners.

After giving thoughtful consideration to the rival submissions of both the sides, this Court is of the considered opinion that

the parties should be relegated to the trial Court, with a direction to it, to consider the above submissions as well as any other submission, if raised, at the time of framing of charge.

Disposed of.

January 08, 2018
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(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No