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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3217-2016

Date of Decision : April 03 , 2019

Satyawan and others

... Petitioners

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Rishab Lohan, Advocate,
for the petitioners.

Mr. D.K.Mittal, DAG, Haryana,
for respondent-State .

SHEKHER DHAWAN, J.

Present revision petition is directed against the order dated 19.07.2016 passed by learned Additional Sessions Judge, Jind whereby charges were framed against the petitioners under Section 306, 323 read with Section 34 IPC.

2. Learned counsel for the petitioners contended that if the entire case is taken to be correct, there was minor scuffle and thereafter Kuldeep had committed suicide by consuming Celphos tablets (poisonous substance) and thereafter made statement implicating the present petitioners. As per statement of Kuldeep (since deceased) son of Dhir Singh, which was recorded at Sarvodya Hospital, Jind, that on 5.12.2014, he was married to Ritu daughter of Satyawan and had a daughter of two months old. His wife had gone to her parental house for a week time and

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after sometime, the family members of Ritu had come to the house of Kuldeep and took away jewellery and other articles and on asking by Kudeep, they disclosed that they would not be sending Ritu to the village and Ritu would come back to the matrimonial home only after purchase of a house in the City. Kuldeep had been visiting his in-laws house so as to bring back his wife, but to no effect. On that day, he had gone to his in-laws house and at that time, his wife Ritu and mother-in-law of Kuldeep scuffled with him and had not sent his wife and daughter to the matrimonial home. Resultantly, he felt suffocated and mental pressure from in-laws and consumed Celphos and committed suicide and died.

3. Contention raised by learned counsel for the petitioners is that there was no *mens rea* on the part of the accused persons and there was no such instigation so as to commit suicide. As per learned counsel for the petitioners, law on the point is settled that if deceased was hypersensitive and commits suicide, the persons against whom such an allegation is levelled, are not liable. On this point, reliance was placed on the judgments from Hon`ble Apex Court in **Gangula Mohan Reddy Vs. State of Andhra Pradesh, 2010(1) JT 17, Bhagwan Das Vs. Kartar Singh & Ors. 2007 (3) R.C.R. (Criminal) 87; Mahendra Singh and another Gayatribai Vs. State of M.P., 1995 Supp. (3) SCC 731.**

4. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file, this Court is of the considered view that the above referred judgments are distinguishable from the facts of the case in hand, because Kuldeep had got recorded his statement immediately prior to his death and attributed cause of death to be humiliation at the hands of his wife and mother-in-law who had given

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beatings to him. Thereafter, the matter was investigated. As regard to commission of offence punishable under Section 306 IPC, the basic ingredients of the offence are that there must be some abetment on the part of the accused persons and as a result of that, suicide must have been committed by the person.

5. In the present case, there is specific allegation of abetment on the part accused persons because they had given beating to Kuldeep Singh who was non-else but husband of Ritu and he was given beatings at his in-laws house where he visited to bring back his legally wedded wife and minor daughter of two months. He was given beatings and immediately after coming back he committed suicide. So, the basic ingredients of abetment as well as suicide are available in the present case and learned trial Judge has rightly framed charge under Section 306 IPC. Law on the point is settled that while framing of charge, the Court has to see only *prima facie* case which had existed. However, without expressing anything beyond this, because the same may not be adversely affecting the rights of the parties during trial, at this stage, no case is made out to interfere in the order dated 19.07.2016 passed by learned Additional Sessions Judge, Jind.

6. Resultantly, the present revision petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 03, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes