

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

**CRA-S-402-SB-2018
Decided on : 24.02.2020**

Raj Bala

... Appellant(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. V.S. Punia, Advocate
for the appellant(s).

MANJARI NEHRU KAUL, J. (Oral)

The instant appeal is directed against the judgment of acquittal dated 23rd October, 2017, passed by the Ld. Additional Sessions Judge, Bhiwani (hereinafter referred to as the 'Ld. Trial Court'), vide which respondents-accused have been acquitted of the charges under Sections 302/34 or 306/34 IPC.

Heard.

Admittedly, the two Doctors i.e. PW-2/Dr. Kavita Mehta and PW-3/Dr. Pankaj Keswani, categorically stated during their evidence before the trial Court that there was no visible injury found on the person of the deceased. Not only this, when the deceased Renu was medico legally examined by PW-2/Dr. Kavita Mehta, on her admission in the hospital, the patient did not even obliquely allege any injury having been caused to her. Rather, the brother of the deceased at the time of the examination of the deceased had disclosed that she had ingested some unknown substance. This fact also stood corroborated from the testimony of PW-3/Dr. Pankaj Keswani, who categorically stated that it was at best a case of suicide and not of homicide. It would be pertinent to mention that the FIR in hand, was

investigation, challan was submitted under Sections 306, 34 IPC only. Had it been a case of forcible administration of poison to the deceased, there would have surely been some struggle marks present on her person, which admittedly were not found on the person of the deceased during her post-mortem.

Further, no complaint, whatsoever, was ever made against the accused for subjecting the deceased to any kind of harassment. One fact, which cannot be lost sight of is that the husband of the deceased had been admittedly missing for about two months prior to the occurrence in question. Hence, the defense set up by the accused that the deceased had slipped into depression on account of her husband having been gone missing comes across as believable and plausible.

In the absence of any direct or indirect act of abetment of suicide against the accused, the Ld. Trial Court has rightly extended the benefit of doubt and acquitted the respondents-accused. Thus, the findings recorded by Ld. Trial Court cannot be faulted with.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

February 24, 2020

J.Ram

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