

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

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**CRR-792-2021
Decided on : 15.02.2022**

Dalwinder Singh

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Prashant Vashisth, Advocate
for the petitioner(s).

MANJARI NEHRU KAUL, J. (Oral)

The petitioner is impugning the order dated 10th March, 2021, passed by the learned trial Court at Jalandhar, vide which the charge was framed under Section 306 of IPC against him, in case FIR No. 42, dated 18.03.2020, under Section 306 of IPC, registered at Police Station Adampur, Jalandhar (annexed as Annexure P-1).

Learned counsel for the petitioner *inter alia* contends that a false and fabricated case has been planted upon him by his brother, who also happens to be the husband of the deceased Bhupinder Kaur on account of a property dispute pending between the parties. He further submits that prior to the suicide of the deceased, the petitioner had lodged an FIR No.33, dated 05.03.2020, under Sections 451, 427, 506 of IPC at Police Station Adampur, District Jalandhar against the complainant and hence, as a counter-blast, the complainant had levelled false allegations against the petitioner of abetting the suicide of his wife. Learned counsel while inviting the attention of this Court to the allegations levelled in the FIR in question, which has been annexed as Annexure P-1, submits that the essential ingredients to attract

the mischief of Section 306, 107 of IPC are not made out in the case in hand. It has also been submitted that since there was no suicide note left behind by the deceased, the petitioner could not be said to have abetted the suicide of the deceased.

I have heard the learned counsel and perused the material on record.

While framing charges, the trial Court is just required to prima facie satisfy itself that with the material brought-forth a strong suspicion arises qua the involvement of an accused in the commission of the offence. A perusal of the FIR, which was registered at the instance of the husband of deceased, reveals that he categorically alleged that because of the property dispute going on between the parties, on different occasions, on account of certain acts of the petitioner, panchayats had been convened between the parties to sort out the dispute, however, it had failed to yield any positive result as the petitioner continued to extend threats to the petitioner and his wife i.e. the deceased. Besides this, it also stands reflected in the FIR that as and when the deceased would go to collect cattle feed, the petitioner would extend threats to her, as a result of which, she would remain petrified and often be worried as to who would look after her and her children, in case due to the ongoing dispute between the petitioner and her husband, the latter was sent to jail. Not only this, as per the allegations, even on the date when the deceased allegedly committed suicide, she disclosed to her husband that on account of the continuous harassment and threats being extended by the petitioner, she had consumed some poison and decided to end her life.

This Court, in the exercise of its revisional jurisdiction cannot

be expected to enter into the realm of appreciating evidence. Needless to say, the truthfulness or otherwise of the prosecution version would be put to test during trial when the petitioner would get ample opportunity to test the veracity of the prosecution case on the touchstone of cross-examination.

This court is *prima facie* satisfied that there exists sufficient material on record for the trial Court to have charged the accused-petitioner for an offence under Section 306 IPC. In the circumstances, the impugned order does not warrant any interference by this Court.

Dismissed.

However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 15, 2022

J.Ram

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