

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

Criminal Revision No.1415 of 2022(O&M)

Date of Decision: August 30, 2022

Surjeet		...Petitioner
	Versus	
State of Haryana and another		...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Devender Kumar, Advocate for the petitioner.

Mr.Saurabh Girdhar, AAG, Haryana.

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HARINDER SINGH SIDHU, J.

For the reasons stated in CRM-23233-2022, the same is allowed and the delay of 44 days in filing the revision petition is condoned.

Main case :

Challenge herein is to the order dated 22.02.2022 passed by Ld. Additional Sessions Judge, Palwal, whereby, the petitioner has been summoned under Section 319 of the Code of Criminal Procedure, to face trial for the commission of offence punishable under Section 306 read with Section 34 IPC in case FIR No.64 dated 08.05.2018 registered at Police Station GRP, Faridabad.

The FIR was registered on the statement of one Harish, who stated that he is educated upto 10+2 standard and working in a Private Hospital at Gurgaon. They are four brothers and two sisters. His father Sohanpal was running a grocery store in the village. On 08.05.2018, the complainant got information through Police that dead body of his father was lying on the railway line. The complainant reached there and the dead body was found lying in pieces on the railway track, which he identified. One

suicide note was recovered from the pocket of the deceased, which the complainant read thoroughly. It stated that his father had given Rs.12 lacs to Bijender in March, 2015, who assured to buy a plot for him. Neither Bijender got the plot nor returned the money. On raising demand for return of money, Bijender threatened Sohanpal and harassed him. Sohanpal had also given Rs.2,30,000/- to Surjit (petitioner). He not only did not return the money but also threatened the deceased to abduct him from his house. Bijender and Surjit were harassing the father of the complainant. Despite his repeated requests, they were not returning the amounts. On the day of occurrence, the deceased told the complainant and his brother that Surjit and Bijender have harassed him a lot and they were not returning his money but were extending threats. Sohanpal committed suicide due to the threats and harassment caused by Surjit and Bijender.

The case was investigated and charge-sheet was filed only against Bijender.

During trial, the complainant was examined as PW5. He specifically named the petitioner as being responsible for his father's suicide. An application under Section 319 Cr.P.C., duly signed by the complainant, was moved by the Public Prosecutor, to summon the petitioner as an additional accused to face trial, which has been allowed vide the impugned order. Hence, the present petition.

Ld. counsel for the petitioner has argued that during the course of investigation, the petitioner was found innocent by the Police. It had come to light that the deceased suffered a loss in his committee/ chit fund business. He was organizer of a Committee/Chit Fund Scheme and number

of villagers were member of the said Committee/Chit Fund. The deceased was to return money to various persons and he was burdened with heavy debt. Deceased may have committed suicide because of that. The petitioner was not involved in any manner in the suicide of Sohanpal.

Having heard Ld. counsel for the petitioner and perusing the paper-book, there is no merit in the submissions made on behalf of the petitioner.

A perusal of the suicide note reveals that the deceased named Bijender and Surjeet (Petitioner) as being responsible for driving him to death. He had written that he had given Rs.12 lacs to Bijender in March, 2015, who assured to buy a plot for him. Neither Bijender got the plot nor returned the money. The suicide note also mentioned that the deceased had given Rs.2,30,000/- to Surjit (petitioner), who threatened the deceased to send him somewhere for about 20 years by falsely implicating him. The note further states that *“Surjit is dishonest”* and that *“I am honest man, cannot tolerate insult, without writing any further Bijender Advocate and Surjit Janachauli are responsible for my death.”*

It has been noticed in the impugned order that during investigation it had been found that the deceased had sold his land measuring 11 Kanal 6 Marlas on 05.03.2015 for Rs.32,48,735/-. The bank record of the deceased had been collected during investigation.

So far as the argument that the deceased was under debt is concerned, it was also explained in the suicide note that the deceased was not indebted to anyone except that he had to give some money to Nandu, which debt he had paid off by giving him grain on that day. He specifically

mentioned in the suicide note that his children were not under debt of anyone.

In the light of the above the Ld.Trial Court did not accept the conclusion in the Police report that the deceased was under a debt of Rs. 1.50 lacs to Surjit (Petitioner). The Trial Court further found that there was also no evidence that the deceased was involved in any chit fund committee.

The complainant PW5 (the son of the deceased) in his deposition stated that on 08.05.2018 (the day his father committed suicide) his father told him in the presence of his brother and mother that Bijender and Surjit (petitioner) had created trouble for him and had harassed him. He also deposed that on that day his father looked very depressed. He stated that his father had committed suicide by jumping in front of a running train being fed up with both of them on account of not returning his money. The dismembered body of his father was found lying on the railway track. From the pocket of the *kurta* worn by him the suicide note Ex.PW5/A was recovered. It was written by his father.

Based on all the above the Trial Court allowed the application and summoned the petitioner as additional accused.

There is no ground to interfere in the impugned order.

Petition dismissed.

August 30, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No