

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

CRM-A-1663-MA-2018 (O&M)

Date of decision : 13.07.2023

State of Haryana

....Petitioner

Versus

Vasudev @ Vasu and another

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. A.K. Sehrawat, DAG, Haryana
for the applicant-State.

Ms. Pinki Mehla, Advocate for
Mr. Amit Kaushik, Advocate for respondent No.1.

Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Present application under Section 378(3) Cr.P.C. has been filed
against the judgment of acquittal dated 22nd of March, 2018.

2. While awarding acquittal the Ld. Trial Court observed as
under :-

“34. To constitute abetment of suicide, the words, actions and conduct that is attributed to a person has to be overt and not merely inferential resulting from a contribution to a situation by a normal standardized conduct of human behaviour. It would then depend upon sensitivity of a person and his perceptible reaction to the situation if he convinces himself about the futility of his existence. Some persons are able to withstand the enormous amount of pressure brought about by circumstances, while some others may over-react to slightest difficulties in life. The case of deceased Bambhool Singh would obviously fall in the later

category of cases. Unfortunate though it may be, his death cannot be held to fall within the category of abetment to suicide. Evidence led by the prosecution cannot compel the Court to infer that the accused, by their continuous course of conduct, created such circumstances that deceased was left with no option except to commit suicide. The element of mens rea to instigate or aid in committing suicide is completely missing and conduct of the accused would not amount to abetment to constitute an offence under Section 306 of Indian Penal Code, 1860.

35. Prosecution has miserably failed to prove the charges. Accordingly, accused are acquitted of the charges under Sections 306 and 506 read with section 34 of the Indian Penal Code, 1860 framed against them. Their previous bail bonds and surety bonds stand discharged.”

3. Counsel for the applicant/State submits that it is a case wherein both the co-accused were in illegitimate relationship and the same stands proved from their call records. The suicide note written by the deceased dated 8th of June, 2016 was discovered which fully nails both the respondents and shows that deceased Bambhool Singh was in the knowledge of illegitimate relationship between his friend namely Vasudev @ Vasu and his wife Poonam both the accused which led to abetment of suicide and thus all the ingredients of Section 306 IPC having been made out the Trial Court erred in acquitting the respondents.

4. I have heard counsel for the parties and have gone through records of the case.

5. Whole of the thrust of the case of the prosecution is on the suicide note Exhibit P21/A to C. Admittedly, deceased Bambhool Singh

died on 7th of June, 2016 at 5/6:00 AM. Surprisingly the suicide note is dated 8th of June, 2016. Counsel for the respondent has rightly pointed out material contradictions between the story of the prosecution. As per the statement made by PW13-Joginder Singh, he handed over the diary containing suicide note to the police on 8th of June, 2016 whereas recovery memo shows that the diary and the suicide note were recovered only on 11th of June, 2016. This puts the whole case projected by the prosecution of there being a suicide note indicting the respondents under cloud. Trite it is that the prosecution is required to prove the case beyond doubt and in case any hole emerges in the story put-forth by the prosecution leaving space for doubt the same has to enure benefit in the favour of the accused. Thus, no fault can be found with the conclusion arrived at by the Trial Court.

6. In view of above this Court does not find any merit in the present application seeking leave to appeal. Consequently, the same stands dismissed.

July 13, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No