

CRR-817-2023 (O&M)

106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-817-2023 (O&M)
Decided on: 02.05.2023

Ram Niwas ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nikhil Vats, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
1019	08.11.2016	Jhajjar	306, 506 & 34 IPC

1. Aggrieved by the dismissal of the application under Section 319 CrPC to implead respondents No.5, 7 to 10 & 11-Sonam Yadav, Sangeeta, Ravi Kant, Kuldeep Saini, Poonam and Anil respectively, the complainant has come up before this Court under Section 401 CrPC.
2. Based on the complainant’s allegations, an FIR was registered under Section 306 IPC against accused Gulab Singh and some of his relatives for abating and instigating the death of complainant’s son.
3. On 07.11.2016, complainant’s son committed suicide. The complainant alleged harassment at the hands of his in laws. He further stated that his daughter-in-law was harassing his son. It is further stated that a year ago, father-in-law of deceased demanded a loan of Rs.5 lacs to construct house and when his son asked to return money, his father-in-law Gulab Singh, his brother Hans Raj and other persons threatened him that they will falsely implicate him in a case of dowry. Based on these allegations, police had registered FIR under Sections 306 & 506 IPC read with Section 34 IPC. The cause of death was stated to be suicide by consuming poison. From the deceased’s pocket a letter was recovered in which he had revealed the reasons because of which he had consumed poison.
4. The said suicide note was addressed to the Superintendent of Police, Jhajjar. He alleged that he got married on 20.02.2015 and his father-in-law had demanded loan to construct house and on this he had borrowed money from his father and given it to his father-in-law. After some days, when he asked his father-in-law to return the money,

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he started threatening him and further told him that in case he demanded money back, they would send his entire family to jail on the allegations of demand of dowry. The deceased further alleged that his father-in-law Gulab Singh and his daughters were of bad character and alcoholic. He further stated that he came to know that his father-in-law along with his brother and two daughters, do wrong acts because they were addicted to alcohol and they would need money. He further stated that deceased wife-Sonam had told him that even prior to marriage, she and her sister were pregnant and got abortion three times. The deceased further stated that his wife and her sister had also told him that their Chacha-Hans Raj would do wrong acts with them. In the suicide note, he stated that he is extremely upset because of marrying a wrong female and her conduct. He further informed that his wife had handed over all her gold and belongings to her sister.

5. During the trial, the complainant filed an application under Section 319 CrPC and asking the aforesaid respondents to be impleaded as additional accused, which was dismissed on 09.02.2023 by the learned Additional Sessions Judge, Jhajjar and against dismissal of the said application, he had come up before this Court.

6. Neither in the FIR nor in the suicide note, there is an *iota* of evidence which would amount to instigation or abetting suicide. There is no doubt that the complainant's son committed suicide because his marriage was not going well and he has doubts about character of wife, on this reason, he had committed suicide. The deceased's wife cannot be stated to have abetted the same. It is clear from the suicide note that she had only mentioned about her sexual past prior to marriage. There is no allegation that after marriage she had any illicit relationship with her Chacha or any other person. The loan was also not taken by any of the respondent who have not been summoned.

7. There is no evidence based on which they can be implicated as additional accused at this stage. Further, the impugned order dated 09.02.2023 does not suffer any infirmity or illegality and no case is made out for interference.

8. In the entirety of facts and circumstances of the case, no case is made out and the petition is dismissed. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

02.05.2023

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Whether speaking/reasoned: Yes

Whether reportable: No.