



Gurudwara Nim Sahib in Sri Guru Teg Bahadur Sahib Khalsa College Akker. Last year I was studying in class 10+1 in Navyug Public School at village Baghora. Kamaljit Singh son of Amrik Singh a resident of village Baghora was also studying in our class and hence we both knew each other and he wanted to convince me to become friends. When my father came to know about this, he withdrew me from the school in village Baghora and got me enrolled in the abovesaid school in village Akker but Kamaljit Singh still used to follow me. I used to go to Rodium English Speaking Institute opposite Punjabi University to attend a course where Kamaljit Singh came and met me three-four days earlier. He also took a photo with me and made a video clip and later he made the said video viral on the mobile phones of others to blackmail me. I got embarrassed from the same. Kamaljit Singh had given me a mobile phone set earlier which is still lying in the possession of my father. Today around 11.30 AM I got fed up with the behavior of Kamaljit Singh and I poured kerosene oil on myself and set myself ablaze in my house. My paternal uncle (Tayaji) Mehar Singh was at home who doused the fire and took me to Government Hospital Ghanour for treatment from where I was referred to Rajindera Hospital Patiala. I have done this because of the harassment by Kamaljit Singh. I have got my statement recorded with the police in the presence of my father Harnek Singh and in the presence of the doctor.”

On the basis of the aforesaid statement, formal FIR under Section 354-D of IPC was registered.

3. Having heard the learned counsel for the appellant and after perusing the record of the case with his able assistance, it transpires that only vague allegations have been levelled against the accused/respondent No.2 and without a positive act on the part of accused to instigate or aid in committing suicide, guilt of the accused cannot be held and the material available on record



is not sufficient to establish abetment on the part of the accused/respondent No.2. Moreover, statement of the victim does not mention any photograph or video being uploaded on any social site. To the contrary, it says that he circulated it on the phone of others, but the prosecution story shifts to 'photographs having been made viral on WhatsApp'. However, there is no evidence on whose phones or on whose whatsapp, the video clip was circulated. Furthermore, there is no evidence that photographs were downloaded by PW-3 from any social site in fact he admitted that he transferred them from the screen of VIVO phone produced by the police. As such, the prosecution has miserably failed to bring home the guilt of the accused/respondent No.2 beyond a shadow of reasonable doubt by cogent convincing and trustworthy evidence on record.

4. The power of the Appellate Court to unsettle the order of acquittal on the basis of re-appreciation of the evidence is subject to the settled law that where two views are possible and out of the two, one points towards the innocence of the accused, the view which favours the accused should prevail over the other pointing towards his guilt. (*See H.D. Sundara and others vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram vs. State of H.P., 1973 (2) SCC 808 and Chandrappa and others vs. State of Karnataka, (2007) 4 SCC 415*). A Division Bench of this Court in the judgment passed in *State of Haryana vs. Ankit and others passed CRM-A No.3 of 2022 decided on 06.07.2023* has held that presumption of innocence further gets entrenched on the acquittal of accused by the trial Court.

5. In view of the discussion above, this Court finds that learned counsel for the appellant has failed to point out any perversity or illegality in findings recorded by the learned Court below, which warrants any interference.

Accordingly, the present appeal is dismissed.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of.

September 06, 2024
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |