

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-6371-2016 in/and
CRM-A-392-MA of 2016
Date of Decision: April 02, 2024

STATE OF HARYANA

.....Applicant-Appellant

Versus

VIKRAM

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Bhardwaj, AAG Haryana

HARPREET SINGH BRAR, J. (ORAL)

CRM-6371-2016

This is an application seeking condonation of delay of 89 days in filing the accompanying application under Section 378(3) of Cr.P.C..

For the reasons mentioned in the application seeking condonation of delay, the same is allowed and the delay of 89 days in filing the said application is condoned.

CRM-A-392-MA-2016

1. This instant application under Section 378(3) CrPC is preferred against the judgement of acquittal dated 28.08.2015 passed by learned Additional Sessions Judge, Hisar in the case No.11 of 2013/2014 arising out of FIR No.263 dated 01.04.2013 registered under Section 306 of IPC at Police Station-Civil Lines, Hisar.

2. The facts, in brief, are that on 01.04.2013, the concerned police received a telephonic message regarding committing of suicide by Priyanka. Thereafter, the place officials visited the place of occurrence and also informed the parents of the deceased. The father of the deceased got his statement recorded to the police, wherein, it was alleged that the deceased daughter had

eloped with the respondent-Vikram and married him against the consent of his family members. Later on, the complainant came to know that Vikram had started residing with Priyanka at the house of his sister Lata. Thereafter, the complainant received a message from Priyanka that she wanted to return to her parental home but Vikram and his sister Lata along with their parents were not allowing her to return and were also harassing her. On 01.04.2013, the complainant received information that his daughter Priyanka had committed suicide by hanging as she was being harassed by the respondent and his family. On the said statement of the complainant, the FIR (supra) was registered. During the investigation carried out by the concerned police, the respondent was arrested but his family members were found to be innocent and thus, exonerated by the police. Vide order dated 14.10.2013, charge under Section 306 IPC was framed against the respondent-accused, to which, he pleaded not guilty and claimed trial. Ultimately, vide the impugned order dated 28.08.2015, the learned trial Court acquitted the respondent from the charged levelled against him. Aggrieved by the same, the applicant State has approached this Court by way of the present petition.

3. Having heard the learned State counsel appearing on behalf of the applicant-appellant State and after perusing the record with his able assistance, this Court is of the opinion that there is no material on record to show that the respondent-accused had instigated or abetted the deceased to commit suicide in the present case. Further, the reason given by the complainant and the evidence adduced thereto, stating that the respondent prohibited the deceased to visit her parental home which led her to commit suicide, is not sufficient to drive a reasonable woman to commit suicide falling within the ambit of Section 498-A of IPC in order to raise the presumption under Section 113A of the Indian

4. Furthermore, 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. Furthermore, the trial Court has the additional advantage of closely observing the prosecution witnesses and their demeanour, while deciding about the reliability of the version of prosecution witnesses. **(See H.D. Sundara and others Vs. State of Karnataka, Criminal Appeal No.247 of 2011 decided on 26.09.2023; Kali Ram v. State of H.P., 1973 (2) SCC 808 and Chandrappa and others v. 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 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 facts and circumstances of the case, this Court finds that learned counsel for the applicant-appellant has failed to point out any perversity or illegality in findings recorded by the learned trial Court which warrants interference by this Court. As such, there is no merit in the present application and hence, the leave to appeal is denied.

(HARPREET SINGH BRAR)
JUDGE

02.04.2024
Ajay Goswami

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>