

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

Date of decision: 20.08.2024

....Appellant

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This appeal has been preferred against the judgement of acquittal dated 20.03.2024 passed by learned Additional Sessions Judge (Fast Track Court), Amritsar vide which respondents No.2 to 4 have been acquitted from the charges framed under Sections 306/34 of IPC registered at Police Station Sultanwind, District Amritsar.

2. The facts, in brief, as alleged are that the complainant/appellant along with his family was residing as tenant at the house of the accused/respondents. It is further alleged that respondent No.2 used to do obscene acts with the wife of the complainant and one and a half years prior to the occurrence, the complainant along with his family left the house of the accused persons and started residing in the house of one, Pargat Singh as tenant but the accused/respondent No.2 did not mend his ways and continued to harass the victim. Thereafter, the complainant along with his brother complained the matter to the family of accused/respondent No.2 and asked them to make him understand but they did not pay any heed and told that they will do like this and

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when they return back to their home, the victim consumed some poisonous substance on account of harassment caused by the accused persons and consequently, the complaint was made before the concerned police. Upon the statement of the complainant, the FIR (*supra*) was registered. After conducting investigation and after completing necessary formalities, challan against respondents No.2 to 4 was presented in the Court. Subsequently, on finding a prima facie case against them, respondent No.2 to 4 were charged for the offences punishable under Sections 306/34 of IPC, to which they pleaded not guilty and claimed trial. Respondent No.2 to 4 faced trial but were, ultimately, acquitted by the learned trial Court of the charges framed against them. Aggrieved, the appellant has approached this Court by way of the present appeal.

3. Having heard the learned counsel for the parties and after perusing the record of the case with their able assistance, it appears that there is nothing in the judgement of the learned trial Court to indicate perversity or misreading of evidence. In order to hold a person guilty under Section 306 IPC, there has to be clear mens rea to instigate and aid the victim to take such a drastic step before a person can be said to be abetting. There ought to be an active or direct act leading the deceased to die by suicide. In the present case, *mens rea* was conspicuously absent. Nothing has been brought on record by the prosecution to establish a nexus between the act(s) of the respondents and the extreme step taken by the victim. Therefore, the case of the complainant has remained uncorroborated throughout leading this Court to uphold the impugned judgment.

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 facts and circumstances of the case, this Court finds that learned counsel for the 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 appeal and hence, the same is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

20.08.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No