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

CRM-M-52325-2024

Date of decision: 22.10.2024

Jarnail Singh alias Jelly and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Ankit Gupta, Advocate
for the petitioners.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking quashing of FIR No.58 dated 23.04.2024 under Sections 306/34 of IPC registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1) as well as subsequent proceedings including report under Section 193 of BNSS (Annexure P-2).

Learned counsel for the petitioners *inter alia* contends that the perusal of the FIR (*supra*), suicide note and final report filed under Section 193 of BNSS clearly indicates that no incriminating material has been collected during investigation and it would be sufficient to breach the threshold of Section 306 of IPC. There is nothing available on record to suggest that the petitioners have played any active role which has close proximity with the suicide of the deceased. The chances of conviction are very weak and no useful purpose would be served by allowing the criminal prosecution to be continued.

The perusal of the suicide note clearly indicates that no date, time and manner



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has been specified on which the deceased was subjected to harassment which led her to commit suicide. Further, mere mentioning of the name of the petitioners without there being any specificity would not be sufficient to conclude that the petitioners can be held liable for abetment within the meaning of Section 107 of IPC. He further relies upon the judgments of this Court passed in 'Harbhajan Sandhu Vs. State of Punjab' 2022(2) R.C.R. (Cri.) 317, 'Nirmaljit Singh Vs. State of Punjab' CRM-M-50641-2021 decided on 10.04.2023, judgment of Bombay High Court passed in 'Shivaji Shitole Vs. State of Maharashtra' 2013(8) R.C.R. (Cri.) 415 and judgments of Hon'ble Supreme Court passed in 'Geo Varghese Vs. State of Rajasthan' 2021 (4) R.C.R. (Cri.) 361, 'Sanju @ Sanjay Vs. State of Madhya Pradesh' 2002(2) R.C.R. (Cri.) 687, 'Netai Dutta Vs. State of West Bengal' 2005 (1) Apex Court 535, 'Ramesh Kumar Vs. State of Chhattisgarh' 2001 (4) R.C.R. (Cri.) 537, 'Madan Mohan Singh Vs. State of Gujarat' 2011 AIR (SC) (Cri.) 506, 'State of Kerala Vs. S. Unnikrishnan' 2015 AIR (SC) 3351, 'Mariano Anto Bruno Vs. The Inspector of Police' 2022 AIR (SC) 4994 and 'Rajiv Thapar Vs. Madan Lal Kapoor' 2013 (1) Apex Court Judgments (SC) 428.

Per contra, the learned State counsel appears on receipt of advance notice submits that the *prima facie* evidence clearly suggests that mother of respondent No.2 was compelled to commit suicide. He further submits that immediately before the incident, the deceased has called her son i.e. respondent No.2, and informed him that she is completely fed up by the harassment caused by the petitioners and she has consumed poison and further, when her son reached home, he found his mother vomiting and he got her admitted in the hospital and further, in the suicide note, strong motive has been given and

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specifically, the petitioners were held to be responsible for the suicide committed by her and the probable defence set up by the petitioners in the present case, cannot be appreciated at this stage, as it is a matter of trial whether there is sufficient evidence available on record which would constitute the abetment within the meaning of Section 107 of IPC. The facts of the case are apparent in which the death due to the harassment of the deceased is writ large.

Having heard learned counsel for the parties and after perusal of the record, this Court cannot embark upon the inquiry and decide the question of facts which are matter of evidence and the probable defence of the petitioners cannot be appreciated at this stage, however, convincing it may seem and thus, the present petition stands dismissed.

However, nothing observed herein shall be construed as expression of an opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

22.10.2024*Neha*

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