



CRA-S-1716-SB-2004

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

CRA-S-1716-SB-2004**Reserved on: 25.08.2025****Pronounced on:- 17.09.2025****Surinder Singh**

....Appellant

Versus

State of Haryana

....Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Deepender Singh, Advocate with
Mr. Ram Krishan Rana, Advocate and
Mr. Mohit Thakur, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Raghunath Chauhan, Advocate for
Mr. Zorawar Singh Chauhan, Advocate
for the complainant.

AMARJOT BHATTI, J.

1. Appellant/convict Surinder Singh has filed aforesaid appeal against judgment of conviction and order on quantum of sentence dated 23.08.2004 passed by learned Sessions Judge, Narnaul in Sessions Case bearing No. 3 of 2004 dated 12.01.2004, titled as "State Vs. Surender Singh" in FIR No. 373 dated 28.11.2003 under Section 306 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Mahendragarh, Haryana vide which appellant was sentenced as under :-



Name of Convict	Offence U/s	Sentence
Surinder Singh	306 of IPC	To undergo rigorous imprisonment for a period of seven years and to pay a fine of ₹1,000/- and in default of payment of fine, to further undergo rigorous imprisonment for a period of three months

2. As per the facts of case, on 28.11.2003 ASI Kailash Chand was posted as Incharge with Police Post City, Police Station Mahendergarh. At about 07:30 am, he received information regarding committing suicide by Rajbala. On reaching there, Inder Singh father of deceased was present on the spot and he got his statement recorded to police. In his statement, he submitted that he was resident of village Suhasra, Police Station Loharu, District Bhiwani. He had a daughter namely Rajbala, who was married in the year 1995 to Surinder Singh. Out of this wedlock, two sons and one daughter were born. His son-in-law was working as a Constable with Haryana Police. On 27.11.2003, Bublesh Kumar, nephew of complainant informed Dinesh Kumar, son of complainant that Rajbala had been harassed and severely beaten by her husband Surinder Singh and that she was also threatened to kill. Later the same night, complainant was informed about the death of his daughter on telephone. On reaching Government quarter at Mahendergarh where Rajbala resided with her husband Surinder Singh, complainant alongwith his son Dinesh Kumar and other respectables of village found Rajbala hanging from the ceiling fan with her scarf (chunni), on leg resting on the bed and the other leg hanging towards the floor. Complainant suspected that Surinder Singh either murdered his daughter Rajbala or forced her to take her own life by constantly harassing and beating her. Accordingly, Inder Singh complainant prayed for taking legal action against Surinder Singh.



3. During investigation, inquest proceedings were conducted and dead body of deceased victim was subjected to postmortem. Rough site plan of place of occurrence was prepared. Accused Surinder Singh was arrested. Statements of witnesses were recorded under Section 161 Cr.P.C. After completion of investigation, accused was challaned under Section 306 of IPC and Final Report under Section 173 Cr.P.C. was prepared and submitted before the learned Illaqa Magistrate.

4. On appearance, accused was supplied complete set of copy of challan report as provided under Section 207 of Cr.P.C. Since the offence punishable under Section 306 of IPC was exclusively triable by the Court of Sessions, therefore, learned Judicial Magistrate Ist Class, Mahendragarh committed the case to the Court of learned Sessions Judge, Narnaul for trial vide commitment order dated 06.01.2004.

5. Learned Sessions Judge, Narnaul after hearing arguments on 27.01.2004 framed charge-sheet against accused Surinder Singh under Section 306 of IPC, which was read over and explained to him in simple language to which he pleaded not guilty and claimed trial.

During trial amended charge-sheet was framed for the offence under Section 498-A/302 IPC and in alternate under Section 306 IPC. However, as per the orders of High Court dated 15.07.2004 passed in Criminal Revision No. 1326 of 2004, the order regarding framing of altered charge was quashed and the accused faced trial under Section 306 IPC only.

6. In order to prove the facts of case, prosecution examined Dr. Karan Singh, Medical Officer, CHC, Mahendragarh as PW-1, SI Luxminarain as PW-2, Raj Singh as PW-3, Rajender Kumar Verma, Draftsman as PW-4,



HC Dharambir as PW-5, Inder Singh as PW-6, Bublesh Kumar as PW-7, Dinesh Kumar as PW-8, MHC Bijender Singh as PW-9 and ASI Kailash Chand as PW-10. Thereafter, learned Public Prosecutor for the State closed prosecution evidence on 08.04.2004.

On account of amended charge-sheet at the instance of accused, PW-1 Dr. Karan Singh, PW-4 Rajender Kumar, PW-6 Inder Singh, PW-7 Bublesh Kumar and PW-10 ASI Kailash Chand were recalled for further examination.

7. Statement of accused person was recorded under Section 313 Cr.P.C. by the trial Court where he took the stand that his wife and children used to remain sick. He was falsely involved in a rape case. His father-in-law was demanding Rs. 1.50 lacs from his wife which he claimed to have spent while defending his aforesaid case. His wife used to remain disturbed, as a result, she committed suicide. Accused pleaded his innocence and false implication.

8. In defence, accused examined three witnesses i.e. Sultan Singh, Group Instructor, ITI, Mahendragarh as DW-1, Des Raj, Registration Clerk as DW-2 and EHC Rajender Singh as DW-3.

9. After hearing arguments advanced by learned Public Prosecutor for the State and learned counsel representing accused, accused namely Surinder Singh was held guilty and convicted under Section 306 of IPC vide judgment of conviction and order on quantum of sentence dated 23.08.2004 as referred above passed by learned Sessions Judge, Narnaul. Feeling aggrieved of this judgment of conviction and order on quantum of sentence, appellant/convict Surinder Singh filed present appeal.



10. Learned counsel for appellant Surinder Singh argued that judgment of conviction and order on quantum of sentence dated 23.08.2004 passed by learned Sessions Judge, Narnaul are against the law, facts and evidence on record. There was no convincing evidence on record to show that deceased was ever harassed on account of demand of dowry. Marriage of appellant took place with Rajbala, the deceased victim, about 08 years ago. They were having three minor children and were residing separately in Police quarter allotted at Mahendragarh. Regarding any kind of maltreatment on account of demand of dowry, no Panchayat or mediation ever took place.

10.1 Prosecution has relied upon the testimonies of Inder Singh complainant PW-6, Bublesh Kumar nephew of complainant PW-7 and Dinesh Kumar son of complainant PW-8, who have tried to give improved versions. During cross-examination, aforesaid witnesses were duly confronted with statements given before the police. In said statements, there was no allegation that appellant had raised demand for money to buy motorcycle nor there is any recital that deceased victim told Bublesh Kumar PW-7 that she may be killed by appellant. There was no reference of telephonic conversation between Dinesh Kumar PW-8 and appellant. In the light of this, testimonies of aforesaid witnesses could not have been relied upon.

10.2 Learned counsel representing appellant pointed out that few days prior to this unfortunate occurrence, appellant alongwith his wife Rajbala had attended the marriage of Nirmala sister of deceased victim. Inder Singh PW-6 admitted during his cross-examination that motorcycle was brought by appellant but he claimed that he had given Rs. 30,000/- to appellant for buying motorcycle. There was no question of raising demand for motorcycle.



Appellant was already having a motorcycle. This fact is proved on record from the testimony of Des Raj, Registration Clerk examined as DW-2, who confirmed that appellant was owner of motorcycle bearing Registration No. HR-35A-9840. It has further come in cross-examination that said motorcycle was hypothecated with Punjab National Bank, Court Road, Narnaul.

10.3 There is no evidence on record to show that appellant played any role in commission of offence. There is no direct or indirect evidence on record to establish that he is guilty of abetment to commit suicide. Appellant was having normal married life with his wife and he was residing alongwith his three children in official accommodation. Judgment of conviction and order on quantum of sentence dated 23.08.2004 passed by learned trial Court is not on sound footing. Therefore, appeal preferred by appellant/convict Surinder Singh may kindly be accepted and he may be acquitted of the charge framed against him.

11. On the other hand, learned counsel representing State of Haryana argued that facts of case and evidence on record duly proved the guilt of appellant under the provisions of Section 306 of IPC. Inder Singh complainant stepped into the witness box as PW-6. On the basis of his statement recorded on 28.11.2003 at 11:10 am (Ex.PF), present FIR was lodged, which is Ex.PG. Inder Singh complainant categorically stated that his daughter was harassed and ill-treated by her husband. She was even beaten up. Accused was raising demand of money for motorcycle. Bubbles Kumar nephew of complainant had visited the house of deceased victim on 27.11.2003 and victim had disclosed about her condition to him and requested him to inform her family members. On the same night, they received



information about the unnatural death of deceased victim. It is pointed out that testimony of Inder Singh PW-6 is fully supported by Bublesh Kumar PW-7 and Dinesh Kumar PW-8. Dr. Karan Singh, Medical Officer PW-1 has proved Postmortem Report of deceased victim, which is Ex.PA. Police request for conducting Postmortem is Ex.PB. Inquest papers (Ex.PC) were also signed by the doctors. Entire investigation carried out by ASI Kailash Chand is proved by him as PW-10. Photographs of place of occurrence were clicked by Raj Singh Photographer examined as PW-3. Photographs are Ex.P2 to Ex.P10 and negatives are Ex.P11 to Ex.P19. Rough site plan of place of occurrence is Ex.PH and scaled site plan (Ex.PD) of place of occurrence is proved by Rajender Kumar, Draftsman Civil Courts, Mahendragarh as PW-4. On the completion of entire investigation, challan was prepared by SI Luxminarain PW-2. Learned counsel representing State of Haryana pointed out that victim died unnatural death in matrimonial home. Allegations levelled against appellant are duly proved on record by complainant Inder Singh PW-6 and other family members examined during the trial. Due to harassment and maltreatment caused to victim, she committed suicide by hanging. Therefore, judgment of conviction and order on quantum of sentence dated 23.08.2004 passed by learned trial Court do not require any interference.

12. I have considered the arguments advanced before me by learned counsel representing appellant/convict, learned counsel representing State of Haryana and learned counsel representing complainant and have gone through the trial Court record with their able assistance. FIR was registered on the statement of Inder Singh father of deceased victim. Unfortunate occurrence



took place on 27.11.2003, when complainant received information about the death of his daughter Rajbala. There are certain facts which are not disputed. Appellant Surinder Singh was serving as Constable with Haryana Police. Victim Rajbala daughter of complainant Inder Singh got married with appellant in the year 1995. Out of this wedlock, they were having two sons and a daughter. Elder son was 07 years of age, younger son was 05 years of age and youngest daughter was 03 years of age at the time of said occurrence. Couple was residing in Government quarter situated in Police Line, Mahendragarh. Admittedly, it is a case of unnatural death of Rajbala by hanging with the help of her *Chunni* from the hook of ceiling fan. Appellant Surinder Singh has been convicted for the offence punishable under Section 306 of IPC i.e. for abetment in the commission of suicide by his wife Rajbala. As per the case of prosecution, Bublesh Kumar nephew of complainant had visited the house of appellant on 27.11.2003 and met Rajbala, who disclosed regarding the harassment and beating given to her by her husband and she requested him to send her family members. Prosecution alleged that Bublesh Kumar called Dinesh Kumar brother of deceased victim, who further allegedly called appellant who misbehaved with him.

13. The appellant is facing trial for committing offence punishable under Section 306 of IPC. Section 306 of IPC reads as under :-

“306. Abetment of suicide:- If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”



Abetment is defined under Section 107 of IPC, which reads as under :-

“107. Abetment of a thing:- A person abets the doing of a thing, who-

First- Instigates any person to do that thing; or

Secondly- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly- Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1. – A person who, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Explanation 2. – Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”

To appreciate law on the point, gainful reference can be made to the recent judgment of **Supreme Court of India** in **Criminal Appeal No. 5175 of 2024 (Arising out of SLP(Crl.) No. 7957 of 2024)**, decided on **10.12.2024**, case titled **“Jayedeeptsinh Pravinsinh Chavda & Ors. Versus State of Gujarat”** cited in **2025(1) RCR(Criminal) 169 : Law Finder Doc Id # 2672682**, where in para No. 18 it was held as under :-

“18. For a conviction under Section 306 of the IPC, it is a well-established legal principle that the presence of clear mens rea-the intention to abet the act-is essential. Mere harassment, by itself, is not sufficient to find an accused guilty of abetting



suicide. The prosecution must demonstrate an active or direct action by the accused that led the deceased to take his/her own life. The element of mens rea cannot simply be presumed or inferred; it must be evident and explicitly discernible. Without this, the foundational requirement for establishing abetment under the law is not satisfied, underscoring the necessity of a deliberate and conspicuous intent to provoke or contribute to the act of suicide.”

There are number of judgments where it is time and again held that basic ingredient to prove the offence under Section 306 IPC i.e. abetment to commit suicide, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative.

14. In the light of this, to prove the charge framed against appellant/accused under Section 306 IPC, prosecution examined Inder Singh complainant as PW-6, Bublesh Kumar (nephew of complainant) as PW-7 and Dinesh Kumar (son of complainant) as PW-8. Aforesaid witnesses stated regarding beating and maltreatment to deceased victim on account of raising demand for money to purchase motorcycle. Learned counsel representing appellant referred to cross-examination of aforesaid witnesses and they were confronted with their statements given before the police and it came into light that initially when statement was given to police by aforesaid witnesses, they did not specifically alleged that appellant demanded money for buying motorcycle or Bublesh Kumar told Dinesh Kumar that appellant would kill Rajbala. Similarly, there is no reference in their initial statements that when Dinesh Kumar called the appellant who stated that he has killed one and he can arrange one more for him. Regarding aforesaid factual position, complainant as well as supporting witnesses have given improved version.



15. In order to constitute the offence of abetment to commit suicide, there is basic ingredient that there has to be clear Mens Rea to commit offence coupled with an active act or indirect act which could lead the deceased to commit suicide finding no other option. Therefore, there has to be same act or instigation on the part of accused for the deceased to commit suicide. There cannot be any direct evidence regarding abetment. Occurrence took place within four wall of the house where appellant and his wife were staying together alongwith their three minor children. Victim is no more in this world. There is no suicide note. Therefore, in order to prove the charge framed against appellant, facts and circumstances of case have to be evaluated.

In the case in hand, marriage took place about 08 years ago. They were having complete family. There is nothing on record to establish that on account of matrimonial dispute, matter ever came before any Panchayat. No complaint was ever lodged against petitioner in the department or before any Court. Appellant in defence examined Rajender Singh DW-3, neighbour living in same vicinity who supported the version of appellant/convict. Appellant alongwith his wife had attended marriage of Nirmala, sister of deceased victim on 16.11.2003. It has come in cross-examination of Inder Singh complainant PW-6 that deceased victim stayed with family for about 8-10 days, whereas, appellant had stayed for one day to attend the marriage. It is further confirmed that appellant had brought motorcycle for giving it on the wedding of his sister-in-law Nirmala. Inder Singh complainant PW-6 alleged that he had given Rs. 30,000/- for purchasing motorcycle. Fact remains that appellant/convict was having



cordial relations with his in-laws family and for this reason he took initiative to purchase motorcycle for giving it in the marriage of his sister-in-law Nirmala. Learned counsel representing appellant rightly referred to the testimony of Des Raj, Registration Clerk DW-2, who proved ownership of motorcycle bearing Registration No. HR-35A-9840 in the name of appellant. Though, said motorcycle was hypothecated with the bank, but fact remains that appellant was already having a motorcycle.

16. No doubt, it is a case of unnatural death. Dr. Karan Singh PW-1 has proved Postmortem Report of deceased victim Ex.PA. Doctor who conducted postmortem observed ligature marks around the neck with *dupatta* and knot was lying on the right side of neck and it was present above the thyroid cartilage. An abrasion of .2cm X .2 cm incised with clotted blood over it was present bilaterally over the wrist. It was observed that no external injury was visible over the body. As per opinion, cause of death was due to “asphyxia caused by hanging which was antemortem in nature and was sufficient to cause death in routine course of life.” There is nothing to suggest that prior to committing suicide, there were marks of injury on the person of deceased victim to establish any kind of physical violence on the part of appellant towards his wife. Therefore, there is no clear cut evidence on record to establish abetment on the part of appellant which led to suicide committed by deceased victim.

17. Considering the aforesaid factual position, in my opinion, prosecution has failed to bring home the guilt of appellant Surinder Singh under the provisions of Section 306 of IPC beyond the shadows of reasonable doubt. Therefore, judgment of conviction and order on quantum of sentence



dated 23.08.2004 passed by learned Sessions Judge, Narnaul is, accordingly, set aside and appeal preferred by present appellant Surinder Singh is, accordingly, allowed and he is acquitted of the charge framed against him by giving him benefit of doubt.

18. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

17.09.2025

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