



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

1. CRA-S-477-SBA-2005 (O&M)
Date of Decision: 03.7.2025

State of PunjabAppellant

Versus

Jagrup Singh and anotherRespondent

2. CRR-1270-2005 (O&M)

Surjit SinghPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Luvinder Sofat, Sr. DAG, Punjab
(in CRA-S-477-SBA-2005).

Mr. Parminder Singh, Advocate
for the petitioner (in CRR-1270-2005).

Mr. Narinder Singh, Advocate
for the private respondents (in both cases).

KIRTI SINGH, J. (ORAL)

1. Since both the criminal appeal (supra) as well as criminal revision petition (supra) arise from a common verdict made by the learned trial Judge concerned, hence they are amenable for a common verdict being made thereupon.

2. Both the above criminal appeal as well as the criminal revision petition are directed against the verdict drawn on 30.8.2004 upon case bearing File No. 19 dated 18.9.2002 by the learned Additional Sessions



Judge-cum-Fast Track Court, Bathinda, whereby in respect of a charge drawn for the offence punishable under Section 306 IPC the learned trial Judge concerned proceeded to make a verdict of acquittal against accused Jagrup Singh and Balvir Kaur.

3. The State of Punjab and the complainant Surjit Singh become aggrieved from the above drawn verdict of acquittal and led to institute thereagainst respectively criminal appeal bearing No. **CRA-S-477-SBA-2005** and criminal revision petition bearing No. **CRR-1270-2005** with a further prayer therein that the impugned verdict (supra) be set aside and the accused be convicted and sentenced for the commission of an offence punishable under Section 306/34 IPC.

4. Brief factual matrix of the present case is that criminal proceedings were initiated upon the statement made by the father of the deceased on 28.5.2002, stating therein that his deceased daughter aged about 27 years was married with Jagrup Singh son of Major Singh, R/o Sivian about 4^{1/2} years ago and she has a daughter aged about 2^{1/4} years. He further stated that about two months back, he had performed the marriage of his younger daughter Rachhpal Kaur at village Mehraj and had given sufficient dowry in her marriage. The husband of his deceased daughter namely Jugraj Singh, mother-in-law Balvir Kaur and mediator Jarnail Kaur wife of Tek Singh started maltreating the deceased after the marriage of his younger daughter by alleging that he has given more dowry to Rachhpal Kaur than that of the deceased. He also stated that the mediator also told him that they have humiliated them by giving less dowry as compared to dowry given to Rachhpal Kaur and threatened to unsettle her deceased daughter in the matrimonial home. Thereafter, the husband and mother-in-law of the



deceased started maltreating her and started demanding more dowry. His daughter narrated all these facts to him on telephone. It was further alleged that on 28.5.2002, when he went to meet his daughter in her matrimonial home, thereupon his daughter told him in detail about the maltreatment meted out to her by her in-laws and requested him to save her life. On this, he met the accused persons, who told him that they have been humiliated by him by giving more dowry to his younger daughter. The complainant also stated that the above said three persons abused him and told him that they do not want to keep his daughter in their house, she can go anywhere and die and in her absence, they can live conveniently. The said conversation was heard by his deceased daughter and at about 10-00 A.M., she went inside and consumed some intoxicant, whereupon she fell down and became unconscious. He admitted her daughter in Sidhu Hospital, Goniana Mandi, where she died. Subsequently, the instant FIR was registered under Section 306/34 of the IPC. Trial commenced and the accused were charged under Section 306 read with Section 34 IPC. The application under Section 319 Cr.P.C. moved by the prosecution for summoning of Jarnail Kaur as an accused, though was allowed by the learned trial Court, but was set aside in revision on 13.5.2003.

5. The learned counsel for the appellant-State (in CRA-S-477-SBA-2005) as well as the learned counsel for the petitioner (CRR-1270-2005), have made vehement submissions before this Court to the effect that the learned trial Judge concerned has made legally infirm reasons for making an order of acquittal upon the accused vis-a-vis the charge drawn against them for an offence punishable under Section 306/34 IPC. It is further submitted that the learned trial Court has wrongly observed that the details



of the vehicle in which the deceased was taken to the hospital was not given and that the inquest report was not signed by the complainant. Learned counsels further submit that the learned trial Court has not gone through the entire statement of complainant Surjit Singh, wherein he has clearly stated that the marriage between the deceased with accused Jagroop Singh took place about 4 ½ years prior to the occurrence. Moreover, Dr. Niranjana Kumar Garg while appearing into the witness box as PW-2 deposed that as per the report of the Chemical Examiner concerned, an organ phosphorus compound-a group of insecticide was found in the contents of viscera of the deceased and on the basis of the said report, the cause of death was also opined due to the presence of the said group of insecticides. Resultantly, the version of the complainant is fully corroborated by the medical evidence. Therefore, they contend that the impugned verdict of acquittal be quashed, and, set aside.

6. The learned counsel for the accused-respondents submits that the allegations made against them in the FIR are vague and general, and do not constitute an offence under Section 306 IPC and thus, there is no prima facie case against them to be convicted, as the key ingredients of *mens rea* required to make out a case under Section 306 IPC is absolutely lacking. Therefore, it is submitted that the verdict of acquittal as has been challenged before this Court is well merited, thus it does not require any interference being made by this Court.

7. Heard the contentions advanced by the learned counsels and perused the judicial file.

8. At the outset, it would be apposite to discuss the offence of abetment of suicide as contained under section 306 of the IPC; to establish



which, the prosecution must prove that the person who is said to have abetted the commission of suicide, has played an active role in the same. The relevant provisions read thus:

“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.”

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

- (1) Instigates any person to do that thing; or*
- (2) 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*
- (3) Intentionally aids, by any act or illegal omission, the doing of that thing.*

9. The Hon’ble Supreme Court in **Jayedeeptsinh Pravinsinh Chavda v. State of Gujarat, 2024 SCC OnLine SC 3679**, while expatiating on the said provision, observed thus:

“23. The act of abetment must be explicitly demonstrated through actions or behaviors of the accused that directly contributed to the victim's decision to take their own life. Harassment, in itself, does not suffice unless it is accompanied by deliberate acts of incitement or facilitation. Furthermore, these actions must be proximate to the time of the suicide, showcasing a clear connection between the accused's behavior and the tragic outcome. It is only through the establishment of this direct link that a conviction under Section 306 IPC can be justified. The prosecution bears the burden of proving this active involvement to hold the accused accountable for the alleged abetment of suicide. The same position has been laid down by this court in several judgments, such as:

i. M. Mohan v. State;

ii. Amalendu Pal alias Jhantu v. State of West Bengal;



iii. *Kamalakar v. State of Karnataka.*

24. *Therefore, for a conviction under Section 306 IPC, there must be clear evidence of direct or indirect acts of incitement to commit suicide. The cause of suicide, especially in the context of abetment, involves complex attributes of human behavior and reactions, requiring the Court to rely on cogent and convincing proof of the accused's role in instigating the act. Mere allegations of harassment are not enough unless the accused's actions were so compelling that the victim perceived no alternative but to take their own life. Such actions must also be proximate to the time of the suicide. The Court examines whether the accused's conduct, including provoking, urging, or tarnishing the victim's self-esteem, created an unbearable situation. If the accused's actions were intended only to harass or express anger, they might not meet the threshold for abetment or investigation. Each case demands a careful evaluation of facts, considering the accused's intent and its impact on the victim."*

10. Reverting to the case at hand, the prosecution was unable to point out or prove any active role on the part of the accused to instigate or aid in commission of suicide by the deceased. Infact, it was categorically stated by PW-2 Dr. Niranjana Garg that the time elapsed between the death and consumption of organo phosphorus had not been mentioned in the post mortem report. He also deposed that *"the two injuries present on the dead body of the deceased, could be caused by fall. The possibility of suffering injury No. 2 by the deceased while seating on a vehicle and the finger striking the part of the vehicle can be caused. The death time after consuming the organo phosphorus compound is normally half an hour to three hours and may extend to many hours, in rare cases several days. It is incorrect to suggest that normally the death timing minimum 3 hours to*



several hours. I can substantiate my opinion after consulting the book. But I do not remember the specific book. I can say from my experience. It is correct that organo phosphorus insecticide is easily available in houses. The possibility of accidental consumption cannot be ruled out. This insecticide can be observed in the body through the skin and inhalation. In rare cases, death could be result due to absorption or inhalation of insecticide.”. Further, there are glaring inconsistencies and material contradictions in the statements made by the complainant during the course of the trial. Complainant PW-1 Surjit Singh in his cross-examination failed to depose about exact date of the marriage of his deceased daughter. He also admitted that till the date of the said occurrence, he has neither received any letter from his daughter regarding the maltreatment nor any complaint had been made by him or her daughter with regard to maltreatment or demand of dowry. Moreover, the allegation qua the demand of Rs. 2.00 lacs being made by the accused was mentioned by the complainant in his testimony; however, there was no mention of the same in the complaint. Furthermore, as per complainant Surjit Singh, he was present in the house of accused when the alleged occurrence took place, and that he had taken his daughter to Sidhu Hospital, Goniana Mandi along with accused Jagroop Singh after she has purportedly committed suicide. However, in his cross-examination he failed to give the details of the vehicle in which the deceased was taken to the said hospital. The hospital bedhead ticket of the deceased also shows only the signatures of accused Jagroop Singh on 28.5.2002 at 11.10 A.M., and the presence of the complainant was not recorded therein as well. Even the inquest report prepared by the police was not signed by the complainant. A perusal of the judicial record reveals that the complainant has also failed



to answer with regard to the injuries suffered by the deceased. Furthermore, the presence of the complainant at the place of occurrence was also found to be doubtful as he has failed to give the details of the vehicle, owner, driver and the name of the person who attended the deceased at the first instance at Sidhu Hospital, Goniana Mandi. Resultantly, the trial Court concerned had observed that the best evidence with the prosecution was to produce the records of the Sidhu Hospital, Goniana, which had not been done either. Therefore, the statements of the prosecution witnesses could not be taken to be a sterling evidence, and in the absence of any corroborative evidence that could make it clear that the accused by their continuous course of conduct created such circumstances that the deceased was left with no other option but to commit suicide, the accused were acquitted by the learned trial Court.

11. With respect to the circumstances when a judgment of acquittal of the trial Court may be interfered with, the Hon'ble Supreme Court in ***Ghurey Lal v. State of UP*** reported in **(2008) 10 SCC 450**, following the observations made in ***M.G. Aggarwal v. State of Maharashtra*** reported in **(1963) 2 SCR 405**, elaborated as to when an order of acquittal by the trial Court can be disturbed, by holding thus:

"69. The following principles emerge from cases

- 1. The Appellate Court may review the evidence in appeals against acquittal under sections 378 and 386 of the Criminal Procedure Code, 1973. Its power of reviewing evidence is wide and the appellate court can re-appreciate the entire evidence on record. It can review the trial court's conclusion with respect to both facts and law.*
- 2. The accused is presumed innocent until proven guilty. The accused possessed this presumption when he was before the trial court. The trial court's acquittal bolsters the presumption that he is innocent.*
- 3. Due or proper weight and consideration must be given to the trial court's decision. This is especially true when a*



witness' credibility is at issue. It is not enough for the High Court to take a different view of the evidence. There must also be substantial and compelling reasons for holding that the trial court was wrong.

70. *In light of the above, the High Court and other appellate courts should follow the well-settled principles crystallized by number of judgments if it is going to overrule or otherwise disturb the trial court's acquittal:*

1. The appellate court may only overrule or otherwise disturb the trial court's acquittal if it has "very substantial and compelling reasons" for doing so.

A number of instances arise in which the appellate court would have "very substantial and compelling reasons" to discard the trial court's decision. "Very substantial and compelling reasons" exist when:

- i. The trial court's conclusion with regard to the facts is palpably wrong;*
- ii. The trial court's decision was based on an erroneous view of law;*
- iii. The trial court's judgment is likely to result in "grave miscarriage of justice";*
- iv. The entire approach of the trial court in dealing with the evidence was patently illegal;*
- v. The trial court's judgment was manifestly unjust and unreasonable;*
- vi. The trial court has ignored the evidence or misread the material evidence or has ignored material documents like dying declarations/report of the ballistic expert, etc.*
- vii. This list is intended to be illustrative, not exhaustive.*

2. The Appellate Court must always give proper weight and consideration to the findings of the trial court.

3. If two reasonable views can be reached - one that leads to acquittal, the other to conviction-the High Courts/ Appellate Courts must rule in favour of the accused."

12. Similar observations were made by qua revisional powers of the Constitutional Courts by the Hon'ble Supreme Court in ***Thankappan Nadar & Ors. v. Gopala Krishnan & Anr. 2002(9) SCC 393***, whereby the



following principles were laid down:

*"6. In a revision application filed by the de facto complainant against the acquittal order, the Court's jurisdiction under Section 397 read with Section [401](#) Cr. P.C., 1973 is limited. The law on the subject is well settled. Instead of referring to various judgments, we would only refer to a few decisions rendered by this Court. In **Akalu Ahir v. Ramdeo Ram**, (1973) 2 SCC 583, this Court has (in SCC pp. 587-88, para 8) observed thus:*

"This Court, however, by way of illustration, indicating the following categories of cases which would justify the High Court in interfering with a finding of acquittal in revision :

- (i) Where the trial court has no jurisdiction to try the case, but has still acquitted the accused;*
- (ii) Where the trial court has wrongly shut out evidence which the prosecution wished to produce;*
- (iii) Where the appellate court has wrongly held the evidence which was admitted by the trial court to be inadmissible;*
- (iv) Where the material evidence has been overlooked only (either) by the trial court or by the appellate court ; and*
- (v) Where the acquittal is based on the compounding of the offence which is invalid under the law.*

These categories were, however, merely illustrative and it was clarified that other cases of similar nature can also be properly held to be of exceptional nature where the High Court can justifiably interfere with the order of acquittal ."

The Court further observed: (SCC p. 588, para 10)

"10. No doubt, the appraisal of evidence by the trial Judge in the case in hand is not perfect or free from flaw and a court of appeal may well have felt justified in disagreeing with its conclusion, but from this it does not follow that on revision by a private complainant, the High Court is entitled to reappraise the evidence for itself as if it is acting as a court of appeal and then order a retrial. It is unfortunate that a serious offence inspired by rivalry and jealousy in the matter of election to the office of village mukhia, should go



unpunished. But that can scarcely be a valid ground for ignoring or for not strictly following the law as enunciated by this Court ."

(emphasis added) ”

13. Having perused the facts of the case as also the findings recorded by trial Court, this Court is of the considered opinion that in the case in hand, there is no infirmity or irregularity in the impugned order whereby trial Court has acquitted the private respondents. The same being speaking, well reasoned and based upon correct appreciation of facts, applicable law & judicial precedents, needs no interference.

14. As a corollary, this Court does not find any merit in the present appeal as well as in the criminal revision petition and is constrained to dismiss them. Accordingly, both the present appeal as well as the criminal revision petition stand dismissed.

15. Records be sent down forthwith.

16. The miscellaneous application(s), if any, is/are also disposed of.

(KIRTI SINGH)
JUDGE

July 03, 2025
Gurpreet Singh

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