



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

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CRA-S No.3853-SB of 2014 (O&M)
Date of decision: July 31st, 2025

Anil Kumar

.....Appellant

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vivek Dahiya, *Amicus Curiae*
and Mr. Kuldip Singh Chaudhary, Advocate
for the appellants.

Mr. Mohit Kapoor, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J.

The instant appeal has been preferred by the appellant challenging the judgment of acquittal dated 05.07.2014 passed by learned Sessions Judge, Rupnagar, whereby the accused-respondents were acquitted of the charge under Section 306 of the IPC.

2. The case of the prosecution in brief is as follows:

(i) On 30.10.2012, information was received at the concerned Police Station regarding the admission of one Deepak Kumar (hereinafter referred to as deceased) at Guru Teg Bahadur Multispeciality Hospital, Anandpur Sahib. It was reported that deceased had consumed a poisonous substance and had been brought to the hospital in a serious condition.

(ii) On receiving this information, PW-5 Sub-Inspector Madan Lal immediately proceeded to the hospital, where he met Anil Kumar (brother of the deceased). PW-3 Anil Kumar gave a statement to the police to the effect

that both he and his brother Deepak Kumar were married. Deepak Kumar (deceased) had been married to Kanchan Bala (respondent-accused) for about two years, and from this wedlock, they had a son aged approximately ten months.

(iii) It was further alleged that deceased had been subjected to persistent ill-treatment and harassment at the hands of his wife, accused Kanchan Bala and her family, which included her father accused respondents Gopi Ram, mother Asha Rani, and brothers Vipin Kumar and Raju. These persons were said to have frequently visited the residence of the deceased and openly threatened him, asserting that if he attempted to prevent accused Kanchan Bala from going out, they would kill him. Complainant further alleged that all the accused had boasted of their influence over the police machinery and threatened that the entire family of the deceased would be falsely implicated in criminal cases.

(iv) As per the FIR (Exhibit PJ), on the evening of 29.10.2012, accused respondents Gopi Ram, Asha Rani, Vipin Kumar and Raju came to the residence of the deceased and allegedly abused and threatened him with dire consequences. PW-4 Nitin Kumar, a friend of the deceased, was also present in the house at the time of the incident. It was stated that, unable to bear the humiliation and threats, deceased consumed a poisonous substance in their presence. A vehicle was subsequently arranged, and the deceased was taken to the hospital, where he succumbed to the poison and expired on the following day on 30.10.2012.

(v) From the pocket of the deceased, the police recovered a handwritten suicide note (Exhibit PD), wherein he purportedly made specific

allegations against the aforementioned accused persons. Consequently, FIR under Section 306 of the IPC was registered, and investigation was taken up by the police.

(vi) During the course of investigation, inquest report (Exhibit PK) was prepared. The body of the deceased was sent for post-mortem examination. Statements of relevant witnesses were recorded under Section 161 of the Cr.P.C. A site plan (Exhibit PN) of the place of the incident was also prepared.

(vii) PW-5 SI Madan Lal also took into police possession several documents including a few pages of diary (Exhibit P1) written in Punjabi by the deceased vide memo Exhibit PF; one receipt bearing the signature of the deceased for comparison with the handwriting in the suicide note was also taken into possession by the police. All these documents were sent to the FSL, Mohali for examination.

(viii) On completion of the investigation, a charge sheet was presented against accused respondents Gopi Ram, Asha Rani, Kanchan Bala, and Raju. Subsequently, a supplementary challenge was presented against accused Vipin Kumar. On finding a *prime facie* case under Section 306 of the IPC, the matter was committed to the Court of Sessions, and all the accused were formally charged under Section 306 of the IPC, to which they pleaded not guilty and claimed trial.

(ix) To prove its case, the prosecution examined eight witnesses including PW-3 Anil Kumar (complainant and brother of the deceased), PW-4 Nitin Kumar (alleged eyewitness to the incident), PW-5 Sub-Inspector Madan Lal, Investigating Officer, PW-2 Dr. Palvinderjit Singh and

PW-8 Dr. Balbir Kumar, Medical Officer, Civil Hospital, Nawanshahr.

(x) After the closure of prosecution evidence, the statements of the accused were recorded under Section 313 of the Cr.P.C, wherein the entire incriminating evidence was put to them. The accused denied the allegations *in toto* and claimed to have been falsely implicated.

3. A specific defence was raised by the accused to the effect that there was an ongoing property dispute between the deceased and his brother, PW-3 Anil Kumar, who allegedly harboured intentions of usurping the property of the deceased. The accused contended that a previous dispute had been settled with the intervention of relatives and one Dharam Pal. However, on 29.10.2012, deceased had again called Dharam Pal complaining that PW-3 Anil Kumar had resumed quarrelling with him regarding the property. Dharam Pal reached the residence of the deceased, where other relatives had also gathered, but efforts to resolve the matter were unsuccessful.

4. It was further asserted by the accused that after the relatives left around 8:00 pm, at about 9.45 pm, accused Kanchan Bala (wife of the deceased), found that deceased had consumed poison and immediately informed her father accused Gopi Ram. The deceased was rushed to Kang Hospital, Anandpur Sahib. Upon receiving the information, accused Gopi Ram and his family members reached the hospital, where deceased ultimately died at about 7:30 pm on 30.10.2012. The accused alleged that PW-3 Anil Kumar, in connivance with others, fabricated a false suicide note with the motive of falsely implicating the accused and taking over the property of the deceased. It was categorically claimed that no genuine

suicide note had been left behind by the deceased.

5. In support of their defence, the accused examined three defence witnesses: DW-1 Dharam Pal (to corroborate the property dispute with his intervention), DW-2 Sumit Lohan, Deputy Manager, Legal, Indus Bank, Ropar and DW-3 Gurmeet Kaur, Handwriting and Fingerprint Expert, presumably to challenge the authenticity of the suicide note.

6. Upon consideration of the evidence led by both sides, the learned trial Court passed the impugned judgment of acquittal, holding that the prosecution had failed to establish beyond reasonable doubt that all the accused had abetted the suicide of deceased Deepak Kumar. The trial Court concluded that there was insufficient evidence to prove the requisite instigation, and thus, the prosecution could not bring home the guilt of the accused under Section 306 of the IPC.

SUBMISSIONS BY LEARNED COUNSEL FOR THE APPELLANT:

7. The learned *amicus* has assailed the impugned judgment on the following grounds:

(i) It has been argued that the deceased was married to respondent No.4 Kanchan Bala, approximately two years prior to his death. A child was born out of this wedlock. However, respondent No.4 along with all her family members (other accused respondents herein), had been subjecting the deceased to persistent cruelty and mental harassment.

(ii) The accused persons, including respondent No.4, repeatedly threatened the deceased, openly declared that he would not be able to restrain accused Kanchan Bala from going out, and went to the extent of

stating that they would not hesitate to eliminate him. Further, the deceased had also been warned that the accused would falsely implicate him in criminal cases. Learned *amicus* asserted that these threats were serious, deliberate, and continuous, forming the background of the deteriorating mental condition of the deceased.

(iii) It was argued that on the evening of 29.10.2012, all the accused visited the house of the deceased where they indulged in abusive language and again threatened to kill him. Humiliated and pushed to a state of psychological despair, the deceased consumed a poisonous substance shortly thereafter and succumbed on 30.10.2012.

(iv) Learned *amicus* while drawing the attention of this Court to the testimony of PW-4 Nitin Kumar argued that his testimony was erroneously discarded by the trial Court even though it came across as credible and consistent; this witness categorically corroborated the case of the prosecution and attested to the harassment meted out by the accused. It was further argued that the deceased had left behind a suicide note, (Exhibit PD), explicitly detailing the mental torment and humiliation inflicted upon him by the accused. However, the trial Court erroneously rejected the contents of the suicide note by placing undue reliance on the fingerprint report (Exhibit DW-3/A), prepared by DW-3 Gurmeet Kaur. It was asserted that this report prepared by DW-3 Gurmeet Kaur was at variance with the FSL report (Exhibit PY); Exhibit PY affirmed that both the suicide note and diary (Exhibit P1) were written in the handwriting of the deceased. Learned *amicus*, therefore, argued that the trial Court fell into error by not reconciling these two reports appropriately and giving

precedence to the version of the defence instead.

(v) It was also argued by the learned *amicus* that the accused during trial attempted to divert attention by alleging that the deceased committed suicide on account of a property dispute with his brother PW-3 Anil Kumar. However, this plea was found to be baseless by the trial Court and unsupported by any credible evidence. Learned *amicus* asserted that once this defence collapsed, the only remaining and credible cause for the extreme step taken by the deceased was the mental and emotional abuse by the accused.

(vi) Furthermore, it was argued that a critical and undisputed fact that the learned trial Court failed to consider was that the deceased consumed poison in the presence of his in-laws, including respondent No.4 and PW-4 Nitin Kumar. They were unable to furnish any cogent reason as to why the deceased would resort to suicide in such circumstances, absent any harassment. The presence of the accused at the scene, coupled with their inaction in preventing the suicide, strongly points towards their culpability.

(vii) Learned *amicus* vehemently argued that the overall circumstances that the deceased was subjected to systematic cruelty, constant humiliation, and persistent threats by the accused, leaving him mentally broken and without recourse. The conduct of the accused in the events leading up to the suicide clearly establishes a proximate and direct nexus between their actions and the decision of the deceased to take his own life.

(viii) A prayer was, therefore, vehemently made for setting aside the impugned judgment as it suffered from serious legal and factual infirmities

and, therefore, warranted interference. Complainant-appellant Anil Kumar, who is the brother of the deceased, has assailed the findings of acquittal on the ground that the learned trial Court erred in appreciating the evidence on record and failed to return a conviction despite overwhelming proof of abetment to suicide allegedly committed by the accused.

8. Having heard learned *amicus* and after carefully re-evaluating the evidence on record, this Court finds no merit in the instant appeal for the reasons to follow.

9. To bring home the charge under Section 306 of the IPC, the prosecution is required to establish that:

- there was an act of instigation, conspiracy, or intentional aid on the part of the accused as defined under Section 107 of the IPC;
- there was a direct or indirect act of abetment leading the deceased to take the extreme step of suicide;
- mere allegations of harassment, in absence of *mens rea* or proximate casual connection between the alleged act and the suicide, are not sufficient to constitute the offence.

10. For a conviction under Section 306 of the IPC, there must be a clear *mens rea* to commit the offence and active or direct act leading the deceased to commit suicide. Unless the ingredients of abetment as defined under section 107 of the IPC are proved, conviction under Section 306 of the IPC cannot be sustained.

11. Coming to the testimonies of PW-3 Anil Kumar and PW-4 Nitin Kumar, though consistent in their broad allegations, failed to disclose

any overt act of instigation or coercion on the part of the accused. Their testimonies largely refer to a strained marital relationship and minor disputes, which are not unusual in domestic settings. Both these witnesses admitted that no prior complaint was ever filed regarding harassment before the unfortunate incident. They also conceded during cross-examination that deceased was already carrying the poisonous substance in his pocket, thus raising serious doubts about any immediate provocation from the accused.

12. DW-1 Dharam Pal, an independent witness, supported the defence version that deceased was under distress due to a property dispute with PW-3 Anil Kumar, his own brother. This alternate hypothesis, though not fully established by documents, creates a plausible doubt in the story of the prosecution and weakens the casual link between the alleged acts of the accused and the suicide.

13. Furthermore, the prosecution heavily relied on a purported suicide note (Exhibit PD) and a diary entry attributed to the deceased. However, forensic scrutiny weakens the reliability of these documents:

- the FSL report (Exhibit PY) was inconclusive with regard to the signatures, requiring more contemporaneous samples for definite comparison;
- DW-3 Gurmeet Kaur categorically opined that the signatures on the suicide note were forged and copied, supported by a detailed chart (Exhibit DW-3/B to Exhibit DW-3/K);
- crucially, the prosecution failed to conclusively prove that the handwriting in the diary belonged to the deceased, rendering the foundation of the prosecution's documentary case uncertain.

14. It also may be noted that the suicide note was not recovered from the possession of the deceased but was produced belatedly by PW-3 Anil Kumar, raising serious doubts regarding its authenticity.

15. The standard of proof required in a criminal trial is proof beyond reasonable doubt. The prosecution is duty-bound to exclude every hypothesis except the guilt of the accused.

16. In the present case, not only has the prosecution failed to discharge this burden, but the material on record positively discredits its version. It may be reiterated that suspicion however strong cannot take the place of proof in a criminal trial.

17. In the light of the foregoing discussion, this Court finds no merit in the present appeal. The trial Court in acquitting the accused has recorded findings based on sound appreciation of law and evidence. The evidence on record does not demonstrate any overt or covert act of instigation, intentional aid or criminal conduct by the accused which drove the deceased to end his life.

18. Accordingly, the instant appeal stands dismissed.

19. Pending application, if any, stands disposed of.

July 31st, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes