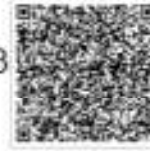


2026.PHHC:063723



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

108

CRM M-13240 of 2021 (O&M)

Date of Decision: 10.04.2026

Ranjit Kaur and another

...Petitioner (s)

Vs.

State of Punjab and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Hardeep Singh, Advocate and
Mr. Lupil Gupta, Advocate
for the petitioners.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Tarun Sharma, Advocate
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioners have filed the present petition under Section 482 Cr.P.C. with a prayer to quash the FIR No. 0005 dated 10.07.2020 registered under Section 306/201/120-B of IPC at Police Station NRI Ferozepur, District Ferozepur (Annexure P-1) and all subsequent proceedings arising therefrom.
2. The FIR (Annexure P-5) in the present case was registered on the basis of the complaint filed by Rajpal Kaur widow of Rajbir Singh and the same has been reproduced below:-

“To, the Learned Additional Director General of Police (NRI) Mohali, application for taking legal action, against 1. Salwinder Singh s/o Tarlok Singh 2. Mohinder Kaur w/o Salwinder Singh, both resident of Chamb, PS, Makhu, Tehsil Zira. 3. Paramjit Kaur d/o Salwinder Singh, Now w/o

Sucha Singh resident of Village Bagge Pippal, Tehsil and Distt. Ferozepur, now resident of village Chamb, Tehsil Zira, Distt Ferozepur. 4. Sucha Singh s/o Unknown resident of Village Bagge Pippal, Tehsil and District Ferozepur, 5. Rani d/o Salwinder Singh now w/o Sarbjit Singh @ Chhbba r/o village Mastan, Tehsil Dharmkot, Distt. Moga, now resident of Village village Chamb, Tehsil Zira, Distt Ferozepur, 6. Jaskaran Singh s/o Sarabjit Singh @ Chhbba village Chamb, Tehsil Zira, Distt Ferozepur 7. Harjinder Singh s/o Salwinder Singh village Chamb, Tehsil Zira, Sir, it is prayed as under:

1. That the applicant Rajpal Kaur is widow of Rajbir Singh s/o Salwinder Singh resident of Chamb, PS, Makhu, Tehsil Zira, Distt. Ferozepur.

2. That my marriage was solemnized with Rajbir Singh s/o Salwinder Singh around 15 years back, as per Sikh rites, out of this marriage there are 2 children, and one boy and one girl. I have gone abroad around 8/9 months back. On 14.03.2019 my husband Rajbir Singh has expired. At that time, I was abroad and on coming to know, I came back to India. My in-laws family are harassing me. My two sisters-in-laws, Paramjit Kaur & Rani are residing at their parental village, Chamb, Tehsil Zira, the husband of Paramjit Kaur, namely Sucha Singh is also residing at village Chamb, Tehsil Zira. Jaskaran Singh s/o Rani is also residing at village Chamb, with his mother. My father-in-law Salwinder Singh, my mother-in-law Mohinder Kaur and above stated Pramjit Kaur etc, are harassing me and they want to oust me from the house forcibly. They also further state that we shall not give any share, out of property, to you. They have made my life, miserable. The above stated accused persons are rascal type of persons. I and my children, apprehend danger to our life, from them. At any time on finding the occasion, because of the greed of the

property, they can cause the loss to me and my children, regarding person and property. If any loss is caused to me or to my children regarding person and property, then all the above stated persons shall be responsible for that. One brother of Rajbir Singh namely Harjinder Singh, who is abroad, has also been giving threats to me by phone.

3. That it is worth to mention here, that it was not a natural death of my husband Rajbir Singh. I am having full belief that the above stated accused person, in conspiracy with each other, have caused the death of my husband by giving some poisonousness substance. On cleaning the house, now I got the hand written letter of Rajbir Singh and after reading it, I come to know that Rajbir Singh was very much aggrieved from his parents, brother and sisters. The photostat copy of the letter is attached and it may kindly be read in proof. It is also worth to mention here that at the time of death of Rajbir Singh, regarding his death, my in-laws family has been not informed to my parents family. It clearly shows that the accused person is having hand in the death of my husband Rajbir Singh. In enquiry, all the truth shall come forward. That earlier also I have given the applications, but till date no action has been taken against the accused person till date. The accused person giving threats to me, You can approach to any person, no one can do anything to us. So it is prayed to you that appropriate action as per law, may kindly be taken against the accused person Salwinder Singh etc, and justice may kindly be done to me. Feeling obliged dated: 23.09.2019, Applicant, Sd/- Rajpal kaur widow of Rajbir Singh s/o Salwinder Singh resident of village Chamb PS Makhu Tehsil Zira, Distt Ferozepur. M.No. 82649-50527”.

3. Learned counsel for the petitioners contends that, in fact, Rajbir Singh (since deceased) was the real brother of the petitioners.

Rajbir Singh was married to the complainant Rajpal Kaur, however, thereafter, she was not maintaining cordial relations with him and had gone abroad on 07.05.2018, i.e. several months prior to the date of death of Rajbir Singh, who had died on 14.03.2019. Even prior to that, she was not maintaining cordial relations with Rajbir Singh. Rajbir Singh (since deceased), who was staying with his parents and his parents were taking care of him. Still further, both the petitioners are married sisters of Rajbir Singh (since deceased). The marriage of petitioner No. 1 was solemnized in the year 1997, whereas marriage of petitioner No. 2 was solemnized in the year 2002 and both are residing happily in their matrimonial home and they had no concern with the matrimonial life of Rajbir Singh (since deceased), their brother. Even, they had never claimed any property in their parental village in the past. Learned counsel for the petitioner contends that after the death of Rajbir Singh on 14.03.2019, the complainant came to the village on 23.03.2019 to attend the “Bhog” ceremony of Rajbir Singh. Thereafter, she started misbehaving and assaulting the other family members. Even, the parents of Rajbir Singh (since deceased) had to file an application before the Court of District Magistrate, Ferozepur, under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act 2007. From the order (Annexure P-2), it is apparent that the complainant had beaten the parents of Rajbir Singh and wanted to take possession of the property illegally. Consequently, the District Magistrate, Ferozepur ordered the restoration of the possession of the house and the land to the parents of Rajbir Singh, since deceased. After the passing of order dated

26.08.2019 by the Court of District Magistrate, Ferozepur, the respondent No. 2/complainant was annoyed and she started levelling false allegations against the petitioners and their parents. The petitioners are married sister-in-laws of the respondent No.2/complainant and had never laid any claim to the properties of the family. Even otherwise, they had no concern with the matrimonial life of the respondent No.2/complainant and Rajbir Singh (since deceased) were staying in a different village. However, respondent No.2 is supported by the local MLA and by exercising her political influence, she got the present FIR registered against the petitioners and others. Even, from the contents of the FIR (Annexure P-5), no offence under Sections 306, 201 and 120-B IPC is made out against the petitioners and they have been wrongly *challaned* by the police.

4. Learned counsel further contends that in the present case, the alleged suicide note of Rajbir Singh (since deceased) is in Punjabi language and as per the knowledge of the petitioners, it was only a photostat copy of the alleged suicide note. Even, in the reply, the State of Punjab has admitted that the specimen signatures/handwriting of the deceased could not be obtained in Punjabi language and due to this, the English documents, i.e., the alleged suicide note could not be got compared, yet, this clearly shows that even the alleged suicide note was manipulated by the respondent No.2/complainant.

5. On the other hand, learner State counsel assisted by learned counsel for the respondent No.2/complainant have vehemently opposed to the submissions made by the learned counsel for the petitioners on the

ground that at the time of incident, the respondent No.2 was abroad and she returned to India on 23.03.2019 to attend the “Bhog” of her husband. On inquiry, all the accused told her that Rajbir Singh had died of heart attack, whereas, she came to know that her husband has consumed something poisonous and he was admitted to the hospital on 11.03.2019, however, he was got discharged by the accused without treatment and this led to his death after two days. Thus, the offence under Sections 306, 201 and 120-B IPC was made out against the present petitioners.

6. While discussing the ingredients of Section 306 IPC, this Court has held in the matters of *Rajpal v. State of Haryana*, **CRA-S-791-SB-2006 (O&M)** and *Rajbir v. State of Haryana and others*, **CRR 2270 of 2006 (O&M)**, decided on 19.03.2026, as follows:-

“12. Section 306 of IPC prescribes the punishment for abetment of suicide and reads as follows:-

“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.”

13. It is manifested that the offence punishable is one of abetment of commission of suicide by any person, predicated existence of a live link or nexus between the two, abetment and the suicide, being the propelling causative factor. The basic ingredients of the offence are the suicidal death and the abetment of the same. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Further, there should be intention to provoke, incite or encourage the doing of an act by the latter. Each persons suicidability pattern is different from the other. Each person

*has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases and each case has to be decided on its own facts and circumstances. While dealing with the ingredients of Section 306 IPC, the Hon'ble Supreme Court has held in the matter of **S.S. Cheema versus Vijay Kumar Mahajan and another**, Criminal Appeal No.1503 of 2010 (arising out of SLP (Criminal) No.6811 of 2009), decided on 12.08.2010, as follows:-*

17.The word "suicide" in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. "Sui" means "self" and "cide" means "killing", thus implying an act of self-killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

18. Suicide by itself is not an offence under either English or Indian criminal law, though at one time it was a felony in England. In England, the former law was of the nature of being a deterrent to people as it provided penalties of two types :

Degradation of corpse of the deceased by burying it on the highway with a stake through its chest.

Forfeiture of property of the deceased by the State.

19. This penalty was later distilled down to merely not providing a full Christian burial, unless the deceased could be proved to be of unsound mind. However, currently there is no punishment for suicide after the enactment of the Suicide Act, 1961 which proclaims that the rule of law whereby it was a crime for a person to commit suicide has been abrogated.

20. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309

Indian Penal Code. 21. “Abetment” has been defined under Section 107 of the Code. We deem it appropriate to reproduce Section 107, 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 2 which has been inserted along with Section 107 reads as under :

“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.”

*22. The learned counsel for the appellant has placed reliance on a judgment of this Court in **Mahendra Singh v. State of M.P., 1995 Supp. (3) SCC 731**. In Mahendra Singh, the allegations levelled were as under : (SCC p. 731, para 1)*

“1. ... My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning.”

23. The Court on the aforementioned allegations came to a definite conclusion that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant

under Section 306 Indian Penal Code merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.

*24. The learned counsel also placed reliance on another judgment of this Court in **Ramesh Kumar v. State of Chhattisgarh**, 2001(4) RCR (Criminal) 537 : (2001) 9 SCC 618. In this case, a three-Judge Bench and wife, the appellant husband uttered “you are free to do whatever you wish and go wherever you like”. The Court in para 20 has examined different shades of the meaning of “instigation”. Para 20 reads as under:(SCC p. 629)*

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

25. In this case, the court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant- accused having abetted commission of suicide by Seema may necessarily be drawn.

*26. In **State of West Bengal v. Orilal Jaiswal**, 1994(3) RCR (Criminal) 186 : (1994) 1 SCC 73, this Court has cautioned that the court should be extremely careful in assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the*

cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

*27. This Court in **Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009(4) RCR (Criminal) 196 : 2009(5) R.A.J. 278 : (2009) 16 SCC 605**, had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goading”. The Court opined that there should be intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self- esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.*

28. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by this Court is clear that in order to convict a person under Section 306 Indian Penal Code there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commitsuicide seeing no option and that act

must have been intended to push the deceased into such a position that he committed suicide.”.

7. Now, advertent to the facts of the present case, it is apparent that the FIR regarding the alleged suicide note on 14.03.2019 has been registered by the police on 10.07.2020, i.e., after a delay of about one year and four months. From the perusal of the FIR, it is apparent that there is no explanation for such a long delay in registration of the FIR in the present case. Still further, from the opening lines of the FIR, it is apparent that there was a property dispute between the petitioners and their family members on one side and the respondent No. 2/complainant on the other side. The complainant categorically stated that all the accused were harassing her and wanted to oust her from the house forcibly. It appears that the respondent No. 2/complainant is estranged wife of Rajbir Singh (since deceased) and was separated from him for quite long. However, she returned back to her matrimonial home after the death of her husband and wanted to forcibly occupy the property of her husband, which led to dispute between both the sides. Thus, apparently, the FIR has been got registered by the complainant with oblique motive. Apart from that, while the case of the complainant is based on alleged suicide note (Annexure R1/T) which was written in Punjabi by Rajbir Singh (since deceased). However, the State of Punjab in its reply has clearly admitted that the specimen signatures/handwriting of deceased could not be obtained in Punjabi language and due to this the questioned documents, i.e., alleged suicide note could not be got compared from the FSL. Thus, there is no evidence to show that even the alleged suicide note was authentic and

was written by the deceased himself. Moreover, even from the contents of the FIR as well as the alleged suicide note, it is apparent that the petitioners had no reason to instigate or abet the suicide of Rajbir Singh (since deceased) and the ingredients of offence under Section 306 were clearly missing in the present case. Even otherwise, the petitioners are married sisters of Rajbir Singh (since deceased) who are already settled in their respective matrimonial homes and had no concern with the matrimonial life of Rajbir Singh (since deceased). Even otherwise, they had no reason to harass their own real brother without any justification.

8. In view of the above discussion, the present petition succeeds and FIR No. 0005 dated 10.07.2020 registered under Section 306/201/120-B of IPC at Police Station NRI Ferozepur, District Ferozepur (Annexure P-1) and all other subsequent proceedings arising therefrom are ordered to be quashed qua the petitioners only.

9. All pending applications, if any, are disposed off, accordingly.

10.04.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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