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

CRM-M-5607-2017
Reserved on: 11.09.2024
Date of decision: 26.11.2024

Balwan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Ankur Malik, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. P.S. Sullar, Advocate for the complainant.

KARAMJIT SINGH, J. (ORAL)

1. The instant petition has been filed by petitioner/accused seeking quashing of FIR No.172 dated 14.10.2015 Annexure P-1 registered under Section 306 IPC at Police Station Model Town, Rajound, District Kaithal.

2. FIR in this case was registered on the basis of statement made by Manoj Kumar, resident of Karoda, Police Station Pundri, District Kaithal wherein he is stated that his elder brother Joginder Singh was working as a class IV employee in Animal Husbandry Department and was posted in veterinary hospital in village Rohera. On 14.10.2015, he received telephonic message that his brother Joginder Singh committed suicide by hanging from a fan in a room of aforesaid hospital. On receiving the message, he went to veterinary hospital Rohera and on reaching there, he found that dead body



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of his brother Joginder Singh was lying on a floor inside the room. He checked the dead body which resulted into recovery of suicide note from the pocket of trouser of the deceased. He read the suicide note wherein it was written that on that day Balwan Singh (accused) who was posted as a Veterinary Life Stock Development Assistant (in short 'VLDA') in government veterinary hospital, Rohera had insulted the deceased and called him dishonest and uttered bad words and also gave a slap on his face. The deceased could not bear the said insult and due to said reason, he was compelled to end his life. The complainant also produced the said suicide note before the police. Consequently, FIR Annexure P-1 was registered against petitioner/accused Balwan Singh under Section 306 IPC.

3. The counsel for the petitioner has *inter alia* contended that the petitioner was posted as VLDA, in veterinary hospital, Rohera. The deceased was working under the petitioner. There were allegations that the deceased was charging extra money from the general public to provide treatment to cattle. In this regard, inhabitants of the village gave affidavits and two of the said affidavits are Annexure P-2 and Annexure P-3. The deceased also used to issue medical prescriptions without having any authority to do so. The copies of such unauthorized medical prescriptions issued by the deceased are Annexure P-6 to Annexure P-10. The matter was also reported to his senior namely petitioner Balwan Singh prior to the alleged occurrence. On this, petitioner reprimanded and further advised the deceased not to demand any bribe from the villagers who come to the hospital for treatment of their cattle. The counsel for the petitioner has further argued that earlier the deceased was transferred to some other place



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as is evident from Annexure P-12 but he made request and was re-transferred to veterinary hospital Rohera as is apparent from Annexure P-13. The counsel for the petitioner has further argued that the deceased remained working with the petitioner for last 12 years. In case, the deceased was ill-treated by the petitioner then there was no occasion for the deceased to get himself re-transferred to veterinary hospital, Rohera. The counsel for the petitioner has further contended that even if the allegations made in the FIR and alleged suicide note are taken to be correct on their face value, there is nothing to suggest that the petitioner has committed any offence much less offence under Section 306 IPC. The counsel for the petitioner while placing reliance on the decision of Hon'ble Supreme Court in ***Gangula Mohan Reddy Vs. State of Andhra Pradesh 2010 (1) SCC 750***, has submitted that offence under Section 306 IPC requires an active act or direct act which led the deceased to commit suicide seeing no option and this must have been intended to push the deceased into such a position that he committed suicide. The counsel for the petitioner has also placed reliance upon ***Madan Mohan Singh Vs. State of Gujarat and another 2010 (4) RCR (Criminal) 207*** wherein it was held that in so far as Section 306 IPC is concerned, merely because a person had a grudge against his senior official and committed suicide on account of that grudge, even honestly feeling that he was wronged it would still not be a proper allegation for basing the charge under Section 306 IPC. It should be seen whether the accused intended or engineered the suicide by his acts and words. The counsel for the petitioner has also placed reliance on another judgment of Hon'ble Supreme Court in ***S.S. Chheena Vs. Vijay Kumar Mahajan and another***



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2010 (4) RCR (Criminal) 66 wherein charge under Section 306 IPC was dropped against the accused and the Hon'ble Supreme Court held that conviction merely on the basis of allegations of harassment of deceased is unsustainable in law, without a positive act on the part of the accused to instigate or aid in committing suicide. The act of the accused must have been intended to push the deceased into such a position that he committed suicide. The counsel for the petitioner has also placed reliance on the decisions of this Court rendered in CRM-M-8661-2016 titled **Mukesh Kher Vs. State of Haryana and another**, decided on 22.07.2019, CRR-669-2018 titled **Om Parkash Vs. State of Haryana** and another, decided on 06.09.2018 and CRM-M-41891-2023 titled **Sushil Kumar @ Sushil Yadav and another Vs. State of Haryana and another**, decided on 06.05.2024.

4. On the other hand, the State counsel and the counsel for the complainant has argued that the petitioner not only reprimanded the deceased but also abused and slapped him and used offensive language against him. It has been further contended that the deceased failed to bear the said insult and ended his life by committing suicide and while doing so, he left behind suicide note wherein he specifically blamed the petitioner for his death. It has been further submitted that as per report of FSL Annexure R-1, the hand writing and signature of the deceased on suicide note dated 14.10.2015 matched with the standard hand writing and signature of the deceased. It has been further contended that the documents Annexure P-2 and Annexure P-3 were later on manipulated by the petitioner, in order to establish his innocence. It has been further argued that on culmination of investigation, challan was presented and trial Court framed charges under



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Section 306 IPC and prosecution has already examined two witnesses. It has been further argued that at this stage, no ground for interference is made out by invoking the inherent powers under Section 482 Cr.P.C.

5. I have considered the submissions made by counsel for the parties.

6. In *M.Mohan Vs. State Through Dy. Superintendent of Police, 2011 (3) SCC 626*, the Hon'ble Supreme Court observed as follows:-

37. We would like to deal with the concept of 'abetment'. [Section 306](#) of the Code deals with 'abetment of suicide' which 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."

38. The word 'suicide' in itself is nowhere defined in the [Indian 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.

39. In our country, while suicide 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 of I.P.C.

40. 'Abetment of a thing' 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 aides, 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 facilitate the commission thereof, is said to aid the doing of that act."



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7. Recently, the Hon'ble Supreme Court in ***Nipun Aneja Vs. The State of Uttar Pradesh***, having Criminal Appeal No.654 of 2017, decided on 03.10.2024, explained as to when can the official superiors be held liable for the abetment of suicide of their junior official. While dealing with the matter, the Hon'ble Supreme Court held as follows:-

"21 The ingredients to constitute an offence under [Section 306](#) of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.

22 The test that the Court should adopt in this type of cases is to make an endeavour to ascertain on the basis of the materials on record whether there is anything to indicate even prima facie that the accused intended the consequences of the act, i.e., suicide. Over a period of time, the trend of the courts is that such intention can be read into or gathered only after a full- fledged trial. The problem is that the courts just look into the factum of suicide and nothing more. We believe that such understanding on the part of the courts is wrong. It all depends on the nature of the offence & accusation. For example, whether the accused had the common intention under [Section 34](#) of the IPC could be gathered only after a full-fledged trial on the basis of the depositions of the witnesses as regards the genesis of the occurrence, the manner of assault, the weapon used, the role played by the accused etc. However, in cases of abetment of suicide by and large the facts make things clear more particularly from the nature of the allegations itself. The Courts should know how to apply the correct principles of law



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governing abetment of suicide to the facts on record. It is the inability on the part of the courts to understand and apply the correct principles of law to the cases of abetment of suicide, which leads to unnecessary prosecutions. We do understand and appreciate the feelings and sentiments of the family members of the deceased and we cannot find any fault on their part if they decide to lodge a First Information Report with the police. However, it is ultimately for the police and the courts of law to look into the matter and see that the persons against whom allegations have been levelled are not unnecessarily harassed or they are not put to trial just for the sake of prosecuting them. 23 In the case on hand, the entire approach of the High Court could be said to be incorrect. The High Court should have examined the matter keeping in mind the following:

(a) On the date of the meeting, i.e., 03.11.2006, did the appellants create a situation of unbearable harassment or torture, leading the deceased to see suicide as the only escape? To ascertain this, the two statements of the colleagues of the deceased referred to by us were sufficient.

(b) Are the appellants accused of exploiting the emotional vulnerability of the deceased by making him feel worthless or underserving of life leading him to commit suicide?

(c) Is it a case of threatening the deceased with dire consequences, such as harm to his family or severe financial ruin to the extent that he believed suicide was the only way out?

(d) Is it a case of making false allegations that may have damaged the reputation of the deceased & push him to commit suicide due to public humiliation & loss of dignity.”

8. It is also settled position of law that mere mention of the name of certain individual in the suicide note, stating therein that he is responsible for his death cannot *ipso facto* be the sole basis for putting to accused to face trial or for conviction under Section 306 IPC.

9. The instant case is required to be considered in the light of the aforesaid settled legal propositions. In the instant case, complainant Manoj Kumar is real brother of deceased Joginder Singh who was working as a Class-IV employee in Animal Husbandry Department, Haryana and at the time of his death, he was posted in veterinary hospital in village Rohera. Joginder Singh committed suicide by hanging from a fan in a room of the said hospital on 14.10.2015. At that time, petitioner/accused was working as a VLDA in the said veterinary hospital and he was senior to the deceased. As per prosecution version, deceased left behind one suicide note, before ending his life and in the said suicide note, the deceased specifically



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named/blamed the petitioner to be the person who had driven the deceased to end his life by committing suicide. The suicide note was recovered from the pocket of trouser of the deceased and was sent for its examination to FSL, Madhuban. The State counsel while referring to report of FSL (Annexure R-1), has apprised the Court that the hand writing and signature appearing in the suicide note on their comparison are found to be matching with the standard hand writing and signature of the deceased.

10. The entire prosecution case is based on suicide note written by the deceased which forms the basis of FIR Annexure P-1. In the suicide note in question, it was recorded that the petitioner insulted and used abusive language by projecting the deceased as dishonest and also slapped him.

11. It is true that administration of the department or an office requires certain hold and control of the employees by superiors but it does not require humiliation and bullying at work place. In case, petitioner herein got complaints regarding working or corrupt practices adopted by the deceased, he should have reported the same to his seniors so as to proceed against the deceased in accordance with law. However apparently, no such complaint in writing was received by the petitioner with regard to working of the deceased, prior to the occurrence in question. The affidavits Annexure P-2 and P-3 are given by Ram Kumar and Dinesh Kumar, residents of Rohera, Tehsil and District Kaithal after about more than 1 month of the occurrence in question. In case, the petitioner was unhappy with the working of the deceased, he would have verbally reprimanded the deceased but there was no occasion or reason for the petitioner to slap the deceased or to use abusive language against him, as is recorded in the suicide note in question and deceased took drastic step as he was unable to bear the said humiliation.

12. Facts and circumstances of the instant case also *prima facie* indicates that the petitioner used abusive language and also slapped the deceased, while reprimanding him and all this happened in the premises of the hospital during working hours on 14.10.2015 and thereafter, the deceased committed suicide on the same very day and left behind a suicide



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note. Thus, there was positive action on the part of the petitioner proximate to the time of suicide, which *prima facie* led the deceased to commit suicide and in the given circumstances, facts of the case at hand are distinguishable from that of **Nipun Aneja's case** (supra). The Hon'ble Supreme Court in Criminal Appeal No.1628 of 2022 titled as **Mariana Anto Bruno Vs. Inspector of Police**, decided on 12.10.2022 observed that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. However, merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which compelled the person to commit suicide, the conviction in terms of Section 306 IPC is not sustainable.

13. No material is available on the record that the deceased was frustrated or feeling depressed on account of work pressure or was facing some family problem. Apparently, it appears that medical prescriptions Annexure P-4 to Annexure P-10 are not bearing name or signature of any person. Further, authenticity and relevance of the said documents is subject matter of trial. At this stage, petitioner cannot take any benefit of Annexure P-11 to Annexure P-13, which are relating to transfer and re-transfer of the deceased, which happened in January 2014 i.e. more than 1 ½ year prior to the occurrence in question dated 14.10.2015.

14. In **Parveen Pardhan Vs. State of Uttaranchal and Another 2012 (9) SCC 734**, it was held by the Hon'ble Supreme Court as under:-

"15. In fact, from the above discussion it is apparent that instigation has to be gathered from the circumstances of a particular case. No straight-jacket formula can be laid down to find out as to whether in a particular case there has been instigation which force the person to commit suicide. In a particular case, there may not be direct evidence in regard to instigation which may have direct nexus to suicide. Therefore, in such a case, an inference has to be drawn from the circumstances and it is to be determined whether circumstances had been such which in fact had created the situation that a person felt totally frustrated and committed suicide. More so, while dealing with an application for quashing of the proceedings, a court cannot form a firm opinion, rather a tentative view that would evoke the presumption referred to under Section 228 Cr.P.C."

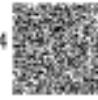
15. The Hon'ble Supreme Court in **Zandu Pharma Vs. Md.**



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Sharaful Haque and Another (2005) 1 SCC 122, observed as follows:-

“As noted above, the powers possessed by the High Court under [Section 482](#) of the Code are very wide and the very plenitude of the power requires great caution in its exercise. Court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution.”

16. Coming back to the case at hand, it appears that sufficient material is available to proceed further against the petitioner under Section 306 IPC. The FIR was registered and challan presented by the police upon the basis of sufficient evidence. This is not a fit case to exercise the powers under Section 482 Cr.P.C for quashment of the FIR.

17. For the foregoing reasons, the present petition is hereby dismissed. However, it is made clear that observations made herein above shall not be construed as an expression of opinion on the merits of the case. Further, the trial Court should not be influenced by the aforesaid observations made in the present order while proceeding ahead with the trial.

26.11.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE****Whether speaking/reasoned:-
Whether reportable:-****Yes/No
Yes/No**