

2026:PHHC:121093



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

CRA-S No.2530-SB of 2008
Reserved on: 26.08.2026
Pronounced on: 31.08.2026
Uploaded on: 31.08.2026

*Whether only operative part of the judgment is
Pronounced or the full judgment is pronounced: operative part/full judgment*

Kirna Devi @ Kanchan and others

...Appellants

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Argued by:- Mr. Abhijeet Partap, Advocate for
Mr. Anil Chaudhary, Advocate
for appellants No.1 and 3.

*Proceedings qua appellant No.2-Pushpa Devi
stood abated vide order dated 12.08.2026.*

Mr. Sahil Chowdhary, AAG, Punjab
for the respondent-State.

Mr. Karanpreet Singh, Advocate
for the complainant.

MANDEEP PANNU, J.

1. Present appeal has been filed by the appellants against the judgment of conviction and order of sentence dated 27th November, 2008 and 29th November, 2008 respectively, passed by learned Additional Sessions Judge, Fast Track Court, Sangrur, whereby the appellants have been convicted and sentenced as under:-



Convicts	Under Section	Imprisonment awarded	Fine	Imprisonment in default of payment of fine
Kirna Devi	Section 306 IPC	R.I. for 02 years	Rs.100/-	R.I. for 07 days
Pushpa Devi	Section 306 IPC	R.I. for 01 year	Rs.100/-	R.I. for 07 days
Jai Pal	Section 306 IPC	R.I. for 02 years	Rs.100/-	R.I. for 07 days

2. Briefly stated, the prosecution case, as set out in the challan, is that on 27.07.2005, ASI Nazar Singh along with ASI Lachhman Dass, HC Joga Singh, HC Parminder Singh and PHG Ajit Singh were on patrolling duty in vehicle No. PB-13E-1939 and were present near Gurdwara Mastuana Sahib. At that time, Harinder Kumar son of late Hukam Chand, resident of Bahadurpur, got his statement recorded to the effect that his elder brother Harpal Garg was married to Kirna @ Kanchan daughter of Ganpat Rai, resident of Lehal Kalan, about five years earlier and a son had been born out of the wedlock. Harpal Garg and his family were running a flour mill and a Karyana shop at Bahadurpur as a joint business. After some time of the marriage, Kirna Devi started quarrelling with Harpal Garg and allegedly taunted and pressurized him to separate from the other members of the family and to start a separate business, whereas Harpal Garg did not want to separate. After the death of Hukam Chand, Kirna Devi allegedly started mentally harassing Harpal Garg and quarrelling with him on the issue of separation in business. It was further alleged that whenever his father-in-law Ganpat Rai, mother-in-law Pushpa Devi and brother-in-law Jai Pal visited Harpal Garg at Bahadurpur, they also quarrelled with him and Kirna Devi restrained him from speaking to other family members.



Harpal Garg was stated to have become greatly disturbed and, on one occasion, told his brother that instead of living in such an atmosphere, it was better to die. On 26.07.2005, Harpal Garg left on his scooter bearing registration No. PB-13J-7952 at about 6-7 p.m. without disclosing his destination. When he did not return till late night, Harinder Kumar went to his house and, on enquiry, Kirna Devi disclosed that Harpal Garg had left at about 6-7 p.m. and had not returned. Harinder Kumar, along with Sukhdev Singh, went in search of him and at about 10-10:30 p.m. found his scooter on the right side of the road towards the narrow canal of their village from Mastuana Sahib and Harpal Garg lying near the scooter. A note was allegedly recovered from the pocket of Harpal Garg, stated to have been written by him, wherein he held his wife responsible for his suicide and also named his in-laws as responsible. On the basis of the said information, the case was registered under Section 306/34 IPC. The scooter was taken into possession, the opinion of the handwriting and fingerprint expert was obtained and, after completion of investigation, the challan was presented before learned trial Court.

3. On presentation of the challan under Section 306/34 IPC, a *prima-facie* case was found to be made out against the accused and, accordingly, Kirna Devi, Pushpa Devi and Jai Pal were charge-sheeted for the offence punishable under Section 306 IPC. They did not plead guilty and claimed trial. Initially, the challan had been presented against Kirna Devi, Pushpa Devi and Jai Pal. Thereafter, during the course of trial, an application was moved under Section 319 Cr.P.C. for summoning Ganpat



Rai as an additional accused, which was allowed. Consequently, the charge was amended and all the accused were charge-sheeted for the offence punishable under Section 306 IPC, to which they pleaded not guilty and claimed trial. Thereafter, the prosecution led its evidence.

4. In order to prove its case, the prosecution examined PW-1 Dr. R.S. Kaler, PW-2 Rattan Singh, Clerk, PW-3 Amrik Singh, Patwari, PW-4 Harinder Kumar, PW-5 MHC Karamjit Singh, PW-6 Mohinder Singh, PW-7 Sukhdev Singh, PW-8 HC Jogga Singh, PW-9 Varsha Sharma, PW-10 Sukhwinder Singh, PW-11 ASI Lachhman Dass, PW-12 Harwinder Singh and PW-15 Dr. Vikram Raj Singh Chauhan. Thereafter, learned Additional Public Prosecutor for the State closed the prosecution evidence.

5. During the pendency of the case, accused No.4 Ganpat Rai died and proceedings qua him were ordered to be abated vide order dated 05.07.2007. Thereafter, the statements of the remaining accused were recorded under Section 313 Cr.P.C. They denied the circumstances appearing against them in the prosecution evidence and pleaded false implication. However, the accused did not lead any evidence in their defence.

6. Learned trial Court heard the arguments advanced by learned Additional Public Prosecutor for the State as well as learned defence counsel and, after considering the evidence available on record, convicted all the three accused, namely, Kirna Devi, Pushpa Devi and Jai Pal, for the offence punishable under Section 306 IPC and sentenced them as noticed hereinabove. While recording the finding of conviction, learned trial Court placed considerable reliance upon the testimony of PW-4 Harinder Kumar,



brother of the deceased, who deposed regarding the continuous quarrelling, nagging and pressure exerted upon Harpal Garg by his wife Kirna Devi and her parental family, including Pushpa Devi and Jai Pal, with a view to compel him to separate his business from the family. Learned trial Court further relied upon the suicide note recovered from the person of the deceased, wherein the deceased had attributed responsibility for his death to his wife and her parental family. The trial Court also noticed the evidence of PW-15 Dr. Vikram Raj Singh Chauhan, handwriting and finger print expert, who opined that the disputed writings and signatures appearing on the suicide note corresponded with the admitted writings and signatures of Harpal Garg and were written by one and the same person. The medical evidence was also relied upon to establish that the deceased had consumed aluminium phosphide, which was the cause of his death. On a cumulative consideration of the aforesaid evidence, learned trial Court held that the prosecution had been able to prove its case against the accused beyond reasonable doubt and accordingly, recorded their conviction under Section 306 IPC.

7. It is relevant to mention here that the present appeal has been filed by all the three appellants against the judgment of conviction and order of sentence passed by learned trial Court. However, during the pendency of the appeal, appellant No.2 Pushpa Devi died and the appeal qua her was ordered to be abated vide order dated 12th August, 2026.

8. During the course of arguments, learned counsel for appellants No.1 and 3 submitted that learned trial Court has failed to appreciate the



evidence in its correct perspective and has recorded the conviction on the basis of weak and unreliable evidence. It was argued that there is no direct evidence connecting the appellants with the alleged commission of the offence and the prosecution case rests substantially upon circumstantial evidence. Learned counsel further submitted that the material witnesses were not examined by the prosecution and that the evidence of the witnesses examined during trial suffers from material improvements and contradictions. It was also contended that the suicide note relied upon by the prosecution was itself surrounded by suspicious circumstances, including overwriting and alteration of its date, and therefore could not have been made the sole basis for recording conviction. It was further submitted that the prosecution had failed to establish the necessary ingredients of the offence under Section 306 IPC beyond reasonable doubt and that the findings recorded by learned trial Court are contrary to the evidence on record.

9. It was further submitted by learned counsel for the appellants that during the pendency of the appeal, a compromise has been effected between the parties. The compromise was entered into after the parties had already instituted their respective appeals and revisions. Pursuant to the said compromise, the parties are now living in harmony with each other and the grievances between them have been resolved. It was submitted that the compromise has been effected voluntarily, without any pressure, coercion or undue influence from any quarter. Learned counsel further submitted that the complainant has no objection to the acquittal of appellants No.1 and 3 in



view of the settlement arrived at between the parties.

10. Learned State counsel, on the other hand, controverted the submissions advanced on behalf of the appellants and argued that there is no illegality, infirmity or perversity in the judgment passed by learned trial Court warranting interference by this Court. It was submitted that learned trial Court has recorded a well-reasoned finding of conviction after appreciating the evidence led by the prosecution in its entirety. Learned State counsel submitted that the deceased had left behind a suicide note, which was recovered from his pocket soon after his death, and the writing as well as the signatures appearing thereon have been duly proved on record by the handwriting expert. It was argued that the opinion of the expert clearly establishes that the disputed writings and signatures on the suicide note correspond with the admitted writings and signatures of the deceased and were written by one and the same person.

11. It was further argued that the deceased, in the said suicide note, had specifically attributed responsibility for his death to his wife and her family members. The allegations contained in the suicide note were consistent with the oral evidence led by the prosecution, particularly the testimony of PW-4 Harinder Kumar, brother of the deceased, regarding the conduct of the appellants. Learned State counsel submitted that the evidence establishes that the wife of the deceased and her family members were repeatedly quarrelling with him and pressurizing him to separate his business from his brother and family. Despite the deceased being unwilling to separate, the pressure and harassment continued, as a result of which he



became mentally disturbed and ultimately, took the extreme step of ending his life.

12. Learned State counsel further submitted that the medical evidence corroborates the prosecution version regarding the manner and cause of death, while the evidence of the handwriting expert lends further assurance to the authenticity of the suicide note. It was contended that the circumstances appearing on record, when considered cumulatively, form a complete chain pointing towards the guilt of the appellants and establish their role in abetting the suicide committed by the deceased. Learned trial Court had, therefore, rightly appreciated the evidence and arrived at the conclusion that the prosecution had proved the charge under Section 306 IPC beyond reasonable doubt. It was also argued that the subsequent compromise between the parties cannot efface the offence which had already been committed and duly proved before the learned trial Court. The alleged settlement, according to learned State counsel, cannot by itself constitute a ground for setting aside a conviction for an offence under Section 306 IPC, particularly when the finding of guilt is otherwise supported by the evidence available on record. It was, accordingly, submitted that the present appeal is devoid of merit and deserves to be dismissed.

13. I have heard learned counsel for appellants No.1 and 3 and learned State counsel and have gone through the record carefully.

14. The entire prosecution case, in substance, rests upon the suicide note allegedly recovered from the pocket of deceased Harpal Garg. Even if the said suicide note is taken to have been duly proved and is



accepted as having been written by the deceased, the question which still requires consideration is whether the contents thereof, coupled with the other evidence on record, are sufficient to establish the essential ingredients of abetment of suicide punishable under Section 306 IPC.

15. The allegations against the appellants, as emerging from the prosecution evidence as well as the suicide note, are essentially that the deceased was being harassed by his wife and her family members; that they were pressurizing him to separate from his brother and to establish a separate business; and that on account of such pressure and harassment, he had become fed up and mentally disturbed. It is significant that it is an admitted position emerging from the prosecution case itself that the deceased had, in fact, started residing separately from the other members of his family along with his wife. Thus, the issue regarding separate residence had already materialized. What substantially remains against the appellants is the allegation that the deceased continued to feel aggrieved on account of pressure being allegedly exerted upon him to separate his business from that of his brother.

16. At this stage, it would be appropriate to notice the scope and ambit of Section 306 IPC. Section 306 IPC makes abetment of suicide punishable. The expression “abetment” is defined under Section 107 IPC and essentially contemplates instigation of a person to do a particular act, or engaging in a conspiracy for doing such act, or intentionally aiding the doing of such act. Therefore, merely because a person commits suicide and some grievance or harassment is attributed to another person, an offence



under Section 306 IPC does not automatically follow. The prosecution is required to establish the abetment of suicide as a distinct and substantive ingredient.

17. The expression “instigation” carries a definite connotation. It involves an act of goading, urging forward, provoking, inciting or encouraging another person to do an act. For attracting Section 306 IPC, the prosecution has to establish a positive or active act on the part of the accused, coupled with the requisite intention to instigate or aid the deceased in committing suicide. The element of *mens rea* cannot be presumed merely from the fact that the deceased was unhappy, disturbed or had been subjected to some form of harassment. The Hon’ble Supreme Court in ***'Rajesh v. State of Haryana', 2020 (15) SCC 359*** has held as under:-

"8. Conviction under section 306 IPC is not sustainable on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused, which led or compelled the person to commit suicide. In order to bring a case within the purview of section 306 IPC, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under section 306 IPC. "

18. In the present case, even if the allegations contained in the



suicide note are accepted at their face value, there is no specific act attributed to either of the appellants which can reasonably be construed as an act of instigation to commit suicide. There is no allegation that either appellant told the deceased to commit suicide, threatened him with such consequence, deliberately created a situation with the intention of driving him to suicide, or committed any positive act immediately preceding the occurrence which could have left him with no other option but to take his own life. The alleged insistence upon separation of business, even if taken to be true, cannot, without anything more, be equated with instigation to commit suicide.

19. The distinction between harassment and instigation is important. Human relationships, particularly within a matrimonial or family setting, may involve disagreements, disputes, demands for separate residence or separate business and even repeated quarrelling. Such conduct may undoubtedly cause unhappiness or mental distress, but for Section 306 IPC to apply, the prosecution must go further and establish that the conduct was of such nature and was accompanied by such intention that it amounted to goading, provoking or encouraging the deceased to commit suicide. The law requires a nexus between the alleged act of the accused and the ultimate act of suicide. The Hon'ble Supreme Court has emphasized that the requisite *mens rea* and a positive act of instigation cannot simply be inferred from the fact of suicide or from allegations of harassment alone.

20. Applying the aforesaid principles to the facts of the present



case, the prosecution evidence falls short of the required standard. The deceased was admittedly living separately from his family members along with his wife. Thereafter, the principal allegation is that the appellants wanted him to have a separate business from that of his brother. There is no evidence of any particular incident, immediately proximate to the occurrence, whereby the appellants actively provoked, incited or encouraged the deceased to end his life. There is also no evidence to establish that the appellants had the requisite intention that their conduct should result in the deceased committing suicide.

21. Even the suicide note, assuming for the sake of argument that the same was genuinely authored by the deceased, does not by itself establish the offence under Section 306 IPC. The handwriting expert's evidence may establish the authorship of the writing, but it does not establish the truth of the allegations contained therein, nor does it establish the legal conclusion that the conduct attributed to the appellants amounted to abetment. The distinction is fundamental. Proof that a particular person wrote a document is one thing; proof that the allegations contained in that document establish every ingredient of a penal offence is quite another.

22. Learned trial Court, while placing substantial reliance upon the suicide note, appears to have proceeded on the premise that since the deceased had named his wife and her family members and had stated that he was being harassed, their liability for abetment of suicide stood established. Such an approach, in the considered view of this Court, does not satisfy the requirements of Section 306 read with Section 107 IPC. The



suicide note may explain the mental state or grievance of the deceased, but it cannot dispense with the requirement of proving the specific ingredients of abetment. There has to be evidence of an act of instigation or intentional aid and the requisite *mens rea* on the part of the accused.

23. The oral evidence also does not materially improve the prosecution case. The testimony of PW-4 Harinder Kumar primarily speaks about the alleged quarrels and pressure regarding separation of the business. There is no direct evidence of any act whereby either of the present appellants instigated the deceased to commit suicide. The prosecution has also not brought on record any convincing independent evidence of a specific incident immediately preceding the suicide which could demonstrate a proximate link between the conduct of the appellants and the decision of the deceased to take his own life. In a prosecution under Section 306 IPC, this missing link assumes considerable significance.

24. The medical evidence, though sufficient to establish the cause of death, does not establish abetment. Similarly, the recovery of the suicide note and the handwriting expert's opinion, even if accepted in their entirety, establish at the highest that the deceased authored the note; they do not establish that the appellants had instigated or intentionally aided him in committing suicide. Thus, the prosecution has proved the factum of suicide, but has failed to prove the legally necessary connecting link between the conduct attributed to the appellants and the commission of suicide.

25. This Court is also conscious of the fact that during the pendency of the appeal, the parties have entered into a compromise and are



presently living in harmony. No doubt, an offence under Section 306 IPC is non-compoundable and the accused cannot be acquitted merely because the parties have subsequently entered into a compromise. The compromise, therefore, by itself cannot furnish the legal foundation for recording an acquittal. However, where the evidence independently fails to establish the essential ingredients of the offence, the subsequent conduct of the parties and the fact that the complainant has no objection to the acquittal may be noticed as a relevant subsequent circumstance, though it cannot substitute the requirement of proof beyond reasonable doubt. The present acquittal, therefore, is not being recorded merely on the basis of the compromise; it follows from the failure of the prosecution to establish the offence under Section 306 IPC against the appellants.

26. The Court is required to keep in view that suspicion, however strong, cannot take the place of proof. The deceased undoubtedly met an unfortunate and tragic end. His suicide is a matter of great concern and cannot be minimized. At the same time, criminal liability for abetment of suicide cannot be fastened upon the appellants merely because the deceased attributed his distress to them. The Court must determine whether the evidence establishes the statutory ingredients of the offence. In the present case, the evidence does not disclose any positive, intentional or proximate act on the part of appellants No.1 and 3 which can legally be characterized as instigation or intentional aid to the deceased in committing suicide.

27. Consequently, this Court finds that learned trial Court fell into error in treating the allegations of harassment and the contents of the



suicide note as sufficient, by themselves, to establish abetment of suicide. The prosecution has failed to prove beyond reasonable doubt that appellants No.1 and 3 either instigated or intentionally aided the deceased in committing suicide. The essential ingredients of Section 306 read with Section 107 IPC are, therefore, not made out.

28. Accordingly, the present appeal is allowed. The judgment of conviction dated 27th November, 2008 and the order of sentence dated 29th November, 2008, passed by learned Additional Sessions Judge, Fast Track Court, Sangrur, insofar as relate to appellants No.1 and 3, are set aside. Appellants No.1 and 3, namely, Kirna Devi @ Kanchan and Jai Pal, are acquitted of the charge under Section 306 IPC by giving them the benefit of doubt. Their bail bonds, if any, stand discharged, subject to compliance with Section 437-A Cr.P.C.

29. Any pending application, if any, also stands disposed of.

31.08.2026
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(MANDEEP PANNU)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>