



CRR-3186-2019

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-3186-2019
Date of decision: 20.07.2026

PARMINDER SINGH @ SONA AND ANOTHER

....APPELLANTS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

1.	Judgment reserved on	23.04.2026
2.	Judgment pronounced on	20.07.2026
3.	Judgment uploaded on	20.07.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced.	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Nil

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Argued by: Mr. Gopal Singh Nahel, Advocate and
Ms. Phulpreet Kaur, Advocate
for the petitioners.

Mr. Vikas Sonak, AAG Punjab.
for respondent No.1.

Respondent No.2 proceeded ex parte
vide order dated 01.04.2026.

YASHVIR SINGH RATHOR. J.(Oral)

1. This criminal revision has been instituted by petitioners Parminder Singh @ Sona and Iqbal Singh @ Babbu against the order dated 28.02.2019 passed by the learned Additional Sessions Judge, Ludhiana on an application under Section 319 Cr.P.C. moved by the prosecution, vide which they have



been summoned to face the trial as additional accused along with the accused facing trial namely Gurmail Kaur @ Melo, Joginder Singh, and Surjit Singh.

2. The present case was registered vide FIR No. 112 dated 13.08.2016 under Section 306 and 120-B of the IPC at Police Station Doraha, District Khanna on the basis of statement given to the police by Daljit Singh, son of Late Surinder Singh, with the allegations that he work as a driver at Doraha. He along with his elder brother Baljit Singh (since deceased), aged about 50 years, had purchased 32 Kanals of agricultural land in village Wazid Ke Khurd Tehsil and District, Barnala, from Gurmail Kaur @ Melo, daughter of Bhajan Singh, resident of village Wazid Ke Khurd, vide sale deed No. 5579 dated 01.12.2010. Joginder Singh Namberdar and Surjit Singh, son of Sohan Singh, were the attesting witnesses of the sale deed, and Surjit Singh had also got the deal finalized. Though mutation was sanctioned, yet Gurmail Kaur @ Melo along with Surjit Singh, Joginder Singh, and her nephews (the petitioners) were not delivering the possession of the land and had forcibly occupied it. His brother Baljit Singh fell into depression and started remaining under lot of stress for not getting the possession of land. On 13.08.2016, he along with his family members had gone to Katana Sahib Gurdwara and when they returned around 2:00 PM, they found Baljit Singh hanging from the ceiling fan with a scarf (dupatta) in the rear bedroom and had committed suicide. He alleged that his brother committed suicide due to the harassment caused by the accused who had not handed over the possession of the land to them and he sought action against them.

3. Thereafter, the matter was investigated. During investigation, the



police found that the petitioners and their father Harmel Singh had no role in the sale transaction, and they were neither present at the time of showing the land to the deceased nor at the time of the execution or registration of the sale deed. Gurmail Kaur @ Melo was never in possession of the land she had sold. She had instead cheated the deceased by executing the sale deed of land which was under the possession and ownership of her brother Harmel Singh's family (the petitioners). After conclusion of investigation, the police submitted the final report under Section 173 Cr.P.C. only against accused Gurmail Kaur @ Melo, Joginder Singh Namberdar, and Surjit Singh, while the petitioners were found to be innocent and their names were kept in column No. 2 of the challan.

4. After the case was committed to the Court of Sessions for trial, and during the course of trial, complainant Daljit Singh appeared as PW-1 and got recorded his statement on 03.12.2018, repeating his allegations that the petitioners in connivance with Gurmail Kaur @ Melo, Surjit Singh, and Joginder Singh did not deliver possession of the land and took money from them, thereby driving the deceased into deep depression and mental stress, which led to his suicide. On the basis of his deposition, the prosecution moved an application under Section 319 Cr.P.C. for summoning the petitioners. The learned Additional Sessions Judge, Ludhiana, vide impugned order dated 28.02.2019, accepted the application and ordered the summoning of the petitioners as additional accused to face the trial.

5. Feeling aggrieved, the petitioners have instituted the present revision petition. The parties have been heard and the material on file has been perused.



6. Learned counsel for the petitioners argued that the impugned order is based on conjectures and surmises, and there is no material on the file to prima facie show that the petitioners had abetted the commission of suicide by the deceased. Learned counsel next contended that the alleged sale deed was executed on 01.12.2010, whereas the deceased committed suicide on 13.08.2016, after a gap of nearly 5 years and 9 months. It is hard to digest that a person can commit suicide after such a long gap, and that too without registering any complaint or availing any legal remedy against the vendor during this period. Learned counsel further contended that the petitioners were neither parties to the sale deed nor were they present at the time of the transaction and they are themselves victims at the hands of Gurmail Kaur @ Melo who sold their family land. The allegations against the petitioners do not constitute instigation, conspiracy, or intentional aid as defined under Section 107 of IPC, and the trial court has failed to appreciate that no offence is made out against them.

7. On the other hand, learned State counsel assisted by counsel for the complainant argued that from the allegations in the FIR and the deposition of PW-1 Daljit Singh, it is prima facie established that the petitioners had abetted the commission of suicide by the deceased. It is contended that they refused to deliver the possession of the land in connivance with Gurmail Kaur @ Melo, thereby driving the deceased into deep depression which ultimately led to his suicide. Learned counsel next contended that at the stage of Section 319 Cr.P.C., the Court is only to find out whether a prima facie case against the additional accused is made out or not.



8. The moot point to be decided is as to whether the act of the petitioners would constitute an offence under Section 306 IPC or not. To get an answer to this question, we have to go through the meaning of the expression ‘abetment’ defined under Section 107 IPC and Section 306 IPC which are reproduced below:

“ Section 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.

Section 107 : Abetment of a thing : A person abets in doing of a thing, who Firstly 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“. Thirdly : Intentionally aids, by any act or illegal omission, in doing of that thing.

9. From the above provisions, it is clear that to constitute an offence under Section 306 IPC, the prosecution has to establish (1) that a person committed suicide and (2) that such suicide was abetted by the accused.

10. As per Section 107 IPC, a person can be said to have abetted in doing of a thing (1) if he instigates any person to do that thing (2) if he engages with one or more other person or persons in any conspiracy for the doing of that thing, and if an act or illegal omission takes place in pursuance of that conspiracy and in order to the doing of that thing (3) if he intentionally aids, by any act or illegal omission, the doing of that thing.



11. As per facts of the case, the present case shall fall under the first clause of Section 107 IPC as there is no allegation that the petitioners in any manner intentionally aided or engaged in any conspiracy for the commission of suicide. Allegations to attract clause secondly and thirdly in Section 107 IPC are, thus, totally missing in this case.

12. As per clause firstly' in Section 107 IPC, a person can be said to have abetted in doing of a thing if he "instigates" any person to do that thing. But, when can a person be said to have instigated another to do an act? The word Instigate is not specifically defined in the Indian Penal Code. As per Oxford Dictionary, instigate means to goad or urge forward, to provoke, incite, urge or encourage to do an act. The word goad means keep irritating or annoying somebody to do something or to make a person to move more quickly in a particular direction especially by pushing or forcing such person. The term Urge means to advise or try hard to persuade somebody to do something or forcing such person to move more quickly in a particular direction especially by pushing or forcing such person. Urge forward means in this context urges person forward. Thus a person who instigates another has to goad or urge forward the latter with an intention to provoke, incite, urge or encourage doing of an act by the latter.

13. A close combined reading of the meaning of the word 'instigation' with the meaning of the terms goad and urge will reveal that instigation involves two things. One is a physical act or omission, while the other is a mental act. The physical act or omission involved in the instigation is goading or urging forward another. Such physical act of goading can be committed also by any



other willful conduct, may be, by even an adamant silence. Thus, by words, deeds, willful omission or willful silence also, one can goad a person i.e. keep irritating or annoying a person until he reacts.

14. So also, the physical act of urging forward or instigation involves doing of an act by strongly advising, persuading to make a person to do something or by pushing or forcing a person in order to make him move more quickly in a forward direction. Thus, both the physical acts in goading or urging forward can be committed by doing some act either verbal or physical or even by a willful commission or conduct. To the same effect is the law laid down in (2001) 9 SCC 618, **Ramesh Kumar vs. State of Chhattisgarh**.

15. In (2010) 12 SCC 190, **S.S. Chheena vs. Vijay Kumar Mahajan**, Hon'ble Supreme Court explained the concept of abetment along with necessary ingredient for offence under Section 306 of IPC as under:

“25. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of 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 IPC 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 commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.”

16. In (2010) 1 SCC 707, **Amalendu Pal vs. State of W.B.**, Hon'ble Supreme Court explained the parameters of Section 306 in the following words:



“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely 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, conviction in terms of Section 306 IPC is not sustainable. 13. 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.”

17. Apart from such physical act particularly omission, prosecution is also required to establish mens rea on the part of the accused in order to constitute instigation and such a provocation has to be intentional, and in this background, the allegations in the FIR and deposition of PW-1 have to be looked into to ascertain whether there was any instigation or act on the part of the accused which incited the deceased to commit suicide.

18. Coming to the facts of the case in hand, the sale deed Annexure P-2 was executed on 01.12.2010 by Gurmail Kaur @ Melo in favour of Baljit Singh,



whereas the suicide was committed on 13.08.2016, which is after a gap of 5 years and 9 months. During this long intervening period, no complaint was lodged nor was any civil suit or legal remedy was availed by the deceased or his family members for taking possession of the land.

19. The police investigation clearly established that the petitioners were already in possession of their shares of land and had no role or concern with the execution of the sale deed. They were neither present at the time the land was shown to the deceased nor at the time of the execution or registration of the sale deed. Rather, the complainant and his brother were strangers and in case, they had purchased share of Gurmel Kaur who was a co-sharer along with her brother and was not in exclusive possession of any portion of land, the only remedy with the complainant and deceased was to seek partition of the joint holding and take possession.

20. The deposition of PW-1 Daljit Singh dated 03.12.2018 only goes to show that there was a dispute regarding the delivery of possession of land sold by Gurmail Kaur @ Melo. However, such a land dispute or withholding of possession of land cannot be termed as instigation to commit suicide under Section 306 IPC. To make out an offence under Section 306 of IPC for abetment of suicide, the prosecution is required to establish direct or indirect act of incitement by the accused, a clear *mens rea* to drive the victim to commit suicide, and that the victim had no other option but to take the extreme step of committing suicide. Mere non-delivery of possession of land is not sufficient, and the actions of the accused must constitute instigation, conspiracy or intentional aid as defined in Section 107 of IPC, thereby encouraging or inciting



the deceased to commit suicide. There must also be a clear intention/mens rea on the part of the accused to instigate a person to commit suicide and the accused must intend for the suicide to occur as a result of his actions. There must also be a close, direct and immediate link between the actions of the accused and the commission of suicide, and the harassment or provocation must also be of such a nature that the victim is left with no other option but to commit suicide.

21. In the present case, there was no instigation or act on the part of the petitioners namely Parminder Singh @ Sona and Iqbal Singh @ Babbu which could incite the deceased to commit suicide. There is no proximate link between the alleged withholding of possession of land and the commission of suicide. The petitioners thus have not played any active role or committed any positive or direct act to instigate or aid the commission of suicide by the deceased. Moreover, the dispute was essentially civil in nature, and the long gap of 5 years and 9 months completely snaps any proximate link.

22. As a result of the aforesaid discussion, I am of the considered opinion that no offence under Section 306 IPC, much less a prima facie case, is made out against the petitioners. The learned Additional Sessions Judge, Ludhiana, has not appreciated the facts of the case and the material on file in the correct perspective while summoning the petitioners by taking cognizance on an application under Section 319 Cr.P.C. Resultantly, the impugned order dated 28.02.2019 qua the petitioners is not sustainable and is liable to be set aside.

23. In view of the aforesaid discussion, CRR-3186-2019 is allowed and the impugned order dated 28.02.2019 qua the petitioners Parminder Singh @



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Sona and Iqbal Singh @ Babbu is hereby set aside.

24. Pending misc. application(s), if any, shall also stand disposed of.

20.07.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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