



CRM-A-1616-2024

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

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CRM-A-1616-2024

Date of decision : 06.08.2025

Sukhchain Singh

... Applicant/Appellant

Versus

Mridula Bhardwaj and another

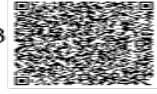
... Respondents

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
HON'BLE MR. JUSTICE H.S. GREWAL**

Present:- Mr. P.B.S. Goraya, Advocate for the applicant.

H.S. Grewal, J.

1. The present application has been preferred under Section 378(4) Cr.P.C. seeking grant of leave to appeal against the judgment of acquittal dated 04.09.2024 passed by the learned Additional Sessions Judge, Tarn Taran in a complaint under Sections 305 and 306 IPC, registered at Police Station Patti.
2. Learned counsel for the applicant submits that the trial Court had erred in acquitting respondent No.1 inasmuch as there was substantial incriminating evidence indicating her role in instigating and abetting the offence. He further submits that it is a clear cut case of abetment to suicide, since the deceased, Gauravdeep Singh, had ended his life due to the direct instigation of respondent No.1. The oral dying declaration made by the deceased, wherein he had narrated the entire incident, should be treated as a crucial piece of incriminating evidence and the judgment passed by trial Court while disbelieving it, is unsustainable under the law. He, therefore, submits that the judgment of acquittal be set aside and respondent No.1 be convicted for the offence punishable under Section 305 IPC.



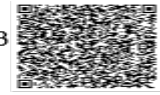
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3. We have heard learned counsel for the applicant and perused the material available on record.

4. The brief facts of the case are that the son of the complainant/appellant, namely, Gauravdeep Singh, was studying in 10+2 standard in Shaheed Bhagat Singh Senior Secondary School, Patti District Tarn Taran. On 20.11.2015 at about 8:30 A.M. the son of complainant had gone to school as usual. At about 11:30 A.M., Avtar Singh s/o Kashmir Singh had informed the complainant on telephone that he came to market at Patti for some personal work where he had seen Gauravdeep Singh and his condition was deteriorated. On his asking, he disclosed that he had taken poisonous substance/medicine. Immediately, he took him to Civil Hospital, Patti for treatment and got him admitted there. The complainant immediately reached Civil Hospital, Patti where the complainant asked his son-Gauravdeep Singh in the presence of Avtar Singh about the reason for taking poison and he told that in the morning when he reached the school, Principal Mridula Bhardwaj(respondent No.1) had given slaps on his face and insulted him. She had used abusive language against him as well as his parents. He also told the complainant that she always used to insult him daily and she also said that if he has some respect, he should take something and die. After insulting him, she turned him out of school and due to intolerance of insult committed by the Principal Madam (respondent No.1), he had taken some poisonous substance.

5. As there were no proper facilities of treatment at Civil Hospital, Patti and on asking of the Doctor concerned, the complainant took his son to Baba Bidhi Chand Chhina Multispecialty Hospital, Patti, District Tarn Taran and got him admitted there. The son of the complainant remained under



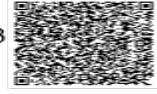
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treatment since 20.11.2015 to 25.11.2015. At about 1:00 a.m. son of the complainant became very serious and due to this, he took his son to Holly Heart Hospital, Jalandhar Road, Amritsar and got him admitted in the said hospital where he died during treatment on 25.11.2015 at about 9/9:30 p.m. The matter was reported to the Police Station Patti, District Tarn Taran and on the statement of the complainant-Sukhchain Singh, FIR No.323 dated 26.11.2015, under Section 306 of IPC was registered against the accused/respondent No.1 at Police Station Patti, District Tarn Taran. It had also been recorded that prior to the said incident, respondent No.1 had also insulted Gauravdeep Singh in the presence of the complainant as well as his wife, namely, Harjit Kaur many times and she had also slapped him in their presence.

6. During the course of investigation, the Investigating Officer found that the deceased Gauravdeep Singh was a minor at the time of his death and in view thereof, offence under Section 305 IPC was added vide DDR no. 39 dated 28.11.2015 by the Inspector/SHO Rajwinder Kaur.

7. The police had again carried out the investigation and it was found that on 20.11.2015, Gauravdeep Singh had come late on account of which Mridula Bhardwaj(respondent No.1) had asked him to contact his parents but inspite of making a telephone call to his parents, Gauravdeep Singh left on the motorcycle and consumed poisonous substance. The allegations of slapping, insulting or dishonour or abetment to commit suicide were not proved and it was Gauravdeep Singh's apprehension that due to being late to school, the matter will be reported against him and under fear, he consumed poisonous substance. Several applications were moved to Doctor Incharge Baba Bidhi



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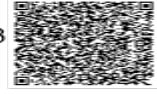
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Chand Hospital on 20.11.2015, 21.11.2015, 23.11.2015 and 24.11.2015 but the patient was medically unfit on all those dates. On 25.11.2015, he was referred to higher Center as per endorsement. Thereafter, request was moved on 25.11.2015 before the doctor of Holy Heart Hospital, Jalandhar road, Amritsar but the concerned doctor made endorsement that the patient was unfit to give any statement and was in very crucial condition. The postmortem was conducted on the dead body of deceased in which poisonous substance Zinc/Aluminum phosphide was found.

8. The Investigating Officer had also taken into possession medical record of Baba Bidhi Chand, Hospital in which it has been mentioned that at the time of admission of the patient in ICU, the chief complaints unsuspected poisonous case, cold sweating body, Hypovalomic and vertigo and history is mentioned that the patient was suffering from above symptoms.

9. The statement of Avtar Singh (one of the relative of the complainant) was recorded on 26.11.2015 wherein he stated that today he came to know that his nephew Gauravdeep Singh son of Sukhchain Singh, who had consumed poisonous substance and under treatment has died in Amritsar hospital and had reached there and he signed the memo regarding dead body being sent to postmortem examination. Ex. P10 was signed by Avtar Singh and the same disclosed that Avtar Singh came to know for the first time about the consumption of poisonous substance by Gauravdeep Singh on 26.11.2015.

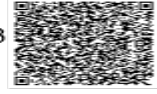
10. The statements of other persons including Mandeep Singh, Amandeep Singh, Gurjap Singh, Gurbhej Singh, Gursewak Singh, Shamsher Singh, Lovejot Singh, Kanwarpreet Singh, Gurbir Singh, Varinder Singh, Jagroop Singh, Parwinder Singh, Jarmanbir Singh, Balraj Singh, Sonia Sharma,



Amandeep Kaur, Rajan Tah, Ranjit Kaur, Sweta Sood, Maniderpal Kaur, Navdeep Kaur, Rajni Bala, Rajeev Sharma, Mehal Singh, Bikkar Singh, Tarsem Singh, Balkar Singh, Jagat Ram, Narinder Kaur, Baldev Singh and Dr. Ravi Kant Sharma were also recorded by the Investigating Agency.

11. The statement of Mandeep Singh, who was a student of 10+2 Science Section-A and class monitor, was recorded wherein he had stated that on 20.11.2015, there was a Sports Meet which was yet to be started. All the students from Balio House were present and entry was to start at about 8:00 A.M. Gauravdeep Singh came late by 10-15 minutes. When he was entering, Principal Mridula was standing who stopped him and asked him to come along with his parents and asked the reason why he had come late. After sometime, a message was received from the Principal that Gauravdeep Singh should not be allowed to enter the school until he came with his parents. He was also summoned by the Principal in her office and thereafter, he left the school.

12. The statements of Sonia Sharma (Vice Principal of the School), Amandeep Kaur (Teacher), Rajan Tah, (Teacher) were also recorded. Similarly, Ranjit Kaur wife of Kapil Arora was examined, who deposed that there was a Sports Meet and guests were coming and Narinder Kaur directed Balkar Singh, one of the guard on the gate that the children, who were coming late, should not be allowed to enter the school and they should only be allowed to enter the school after finding out from their parents why they are late. Four-Five students were standing outside the school gate including Gauravdeep Singh and as per the order of Narinder Kaur, guard Balkar Singh had contacted their parents but Gauravdeep Singh did not make any call to his parents and ran away on his motorcycle and Mridula Bhardwaj had not insulted any student in



her presence. Similarly the statements of Maniderpal Kaur wife of Harpal Singh and many others were recorded.

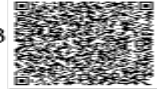
13. In the aforesaid FIR, the investigating agency had submitted cancellation report before the learned Illaqa Magistrate but the complainant was not agreed with the cancellation report and wanted inquiry to be conducted from higher police officer. The said cancellation report was forwarded by the learned Sub Divisional Judicial Magistrate, Patti to the Court of District and Sessions Judge, Tarn Taran. At that time, the case was already committed on the complaint of complainant and was pending for trial and the cancellation report was put up before the Court of learned Additional Sessions Judge (Vacation Judge) and remained pending before the learned Additional & Sessions Judge, Tarn Taran. The complaint case as well as the main case was heard together.

14. Respondent No.1-Mridula Bhardwaj was charge-sheeted on 07.04.2017 to which she pleaded not guilty and claimed trial.

15. In pre-summoning evidence, the complainant himself appeared before the court as CW1 and further examined Avtar Singh as CW2, HC Palwinder Singh as CW3, Harjit Kaur as CW4, Dr. Pawan Kapoor as CW5, Dr. Ravikant Sharma as CW6, Dr. Gupreet Singh Rai as CW7.

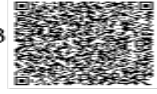
16. The complainant Sukhchain Singh and his wife Harjit Kaur had appeared in the witness box as CW1 & CW4 respectively and had reiterated the version given in the FIR.

17. The complainant had examined CW2 Avtar Singh who deposed that on 20.11.2015 at about 11:30 a.m. he was present in the ground opposite to Shahed Bhagat Singh Senior Secondary School where Gauravdeep Singh met



him who was in a deteriorative condition. Gauravdeep Singh had disclosed to Avtar Singh that he had consumed some poisonous substance as the Principal and the owner of Shaheed Bhagat Singh Senior Secondary School used foul language and also gave slaps in presence of other school children and staff as he reached late at school. He also stated that Mridula Bhardwaj used foul language regarding his parents also. On that day Mridula Bhardwaj said to Gauravdeep Singh “*Gandi maa baap di gandi aulad hai. Je kush sharm hai ta kuch kha ke marja*”. Gauravdeep Singh told that after this Mridula Bhardwal pushed him out of the School and he consumed some poison after procuring the same before school gate and committed suicide. He took Gauravdeep Singh to Civil Hospital Patti and got him admitted and informed his parents regarding the incident who came to the Civil Hospital, Patti. They again asked Gauravdeep Singh, who narrated the entire incident in the presence of his parents that he had consumed poison due to humiliating at the hands of Mridula Bhardwaj which kept on continuing day after day at the school in front of children and school staff due to which he felt insulted in such a manner that he was left with no other option except to commit suicide. The police was informed regarding the incident by the hospital staff. Police personnel arrived at the hospital several times but as Gauravdeep Singh was unfit for recording his statement, his statement could not be recorded.

18. The complainant had examined CW3 Ravi Kant Sharma Ex. PCMS, Amritsar, who deposed that on 20.11.2015 he was working as PCMS, Amritsar and on that day Gauravdeep Singh was admitted in the hospital and the patient remained under treatment under his supervision. The history of patient was that he had consumed some poisonous substance on 20.11.2015. At



the time of arrival the patient was non-responsive, unconscious and blood pressure was normal, heart beat and pulse were extended. The treatment was started during which anti poison aid was given. During the period from 20.11.2015 to 24.11.2015, police personnel from police station Sadar, Patti came and moved written request to record the statement of Gauravdeep Singh but the patient was declared unfit to give statement. He had proved on record endorsement Ex.P3 to Ex. P6 vide which he declared the patient unfit to give the statement and endorsement Ex.P7 vide which the patient was referred to Higher Center for further medical treatment. The patient remained admitted in the aforesaid hospital till 24/25.11.2015 midnight. After that he found that heart of patient was not beeping at full capacity and his heart beat rate and respiration was very fast and the patient was showing signs of deterioration slowly and despite putting best efforts and supportive treatment, the patient was not responding to treatment and even after putting the patient in ICU, his condition continued to deteriorate slowly and he was unable to maintain his blood pressure and despite increase of dose of medicine due to which on 24/25.11.2015 at about 1:30 a.m. the patient was referred to higher center.

19. CW7 Dr.Gupreet Singh Rai, District Family Planning Officer, Fazilka, who had conducted the postmortem, had deposed that on 26.11.2015, he was posted as Medical Officer, Civil Hospital, Patti. Dead body was brought by HC Rashpal Singh and HC Sukhwinder Singh of Police Station Patti from Holy Heart hospital Amritsar at 1:30 P.M. along with papers. The body was identified by Baldev Singh son of Kabal Singh and Avtar Singh son of Kashmir Singh. As per the police information, time of death was 9:10 p.m. on 25.11.2015 due to suspected poisoning. On examination of the body, length



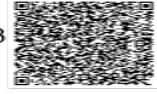
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was six feet and the body was of young male moderately built and nourished wearing gown pazama pink lime white and blue cap. No external marks of injuries were present on the body. A piece of lung was sent for chemical analysis along with other viscera and heart were sent for his histopathology to Government Medical College, Amritsar. He had also proved on record the original postmortem report as Ex. CW2/A, attested copy histopathology report as Ex.CW2/B, report of chemical examiner as CW2/C and opined that the cause of death of Gauravdeep Singh in the present case due to poisoning i.e. Zinc/Aluminum phosphide.

20. Dr. Harkirat Singh Medical Officer, Civil Hospital, Amritsar had deposed that on 13.01.2016, Dr. Gupreet Singh Rai Medical Officer, Civil Hospital Patti had sent the viscera heart of Gauravdeep Singh for histopathological examination vide PMR no. 143/GSR/CH/Patti/15D dated 26.11.2015 through HC Sukhwinder Singh and he conducted the histopathological examination vide histopathological report no. 120/16 dated 13.01.2016. Histopathological report is as weight of heart: 370 gram, left ventricle wall thickness: 1.08CM, Myocardium: Pieces process from myocardium show hyper trophy of wall, coronaries: Wall of coronaries show atherosclerotic changes. Calcification also seen in the wall. Lumen is narrow. This witness has proved on record original report prepared by him as CW5/A.

21. On completion of the complainant evidence, the statement of the respondent No.1 was recorded under Section 313 Cr.P.C. wherein she stated that she had been falsely implicated in this case. She is the Principal of Central Convent School, Tarn Taran and the Managing Director of Shaheed Bhagat Singh School, Tarn Taran. She never remained the Principal of Shaheed Bhagat



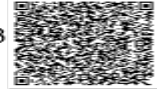
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Singh School, Tarn Taran. On the day of alleged occurrence, she went to Shaheed Bhagat Singh School as a Guest in the Sports Meet and she never came in contact with deceased. A wrong case has been got registered against her at the instance of person inimical against their school. In her defence, she had tendered into evidence the bed head ticket of Holy Heart Hospital pertaining to deceased which had been adduced in evidence by the complainant in preliminary evidence as Ex. D1 and thereafter closed the defence evidence.

22. The trial Court, after appreciating the entire evidence, had opined that no case for abetment to commit suicide had been made out against respondent No.1. Therefore, the cancellation report was accepted and respondent No.1 was acquitted of the charges vide judgment dated 04.09.2024.

23. Undoubtedly, it is an unfortunate case of death of a 17 year old boy who consumed a poisonous substance. However, there are certain irregularities particularly regarding the delay in lodging the FIR. The alleged incident took place on 20.11.2015, when the deceased, Gauravdeep Singh, purportedly made an oral dying declaration to his father (PW6 Sukhchain Singh), mother (PW7 Hardeep Kaur) and uncle (PW4 Avtar Singh). However, the FIR was lodged after a considerable delay of 06 days on 26.11.2015. The complainant explained this delay by claiming that the family's priority was to save their only son's life as he was undergoing treatment in multiple hospitals. This explanation appears unreliable, since it was alleged that the police visited the hospital daily to record the deceased's statement, yet no such statement was taken. If a crucial dying declaration had indeed been made, it should have been promptly reported and documented.

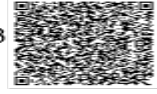


24. It is significant to note that none of the Doctors had testified that the deceased was in a fit mental or physical condition to speak at the time of the alleged declaration. In fact, hospital records from Civil Hospital, Patti and Baba Bidhi Chand Hospital indicated that the deceased remained unconscious, non-responsive and in the ICU from the moment of admission until his transfer. There are multiple medical endorsements (Ex.P3 to Ex.P7) showing the deceased unfit to give any statement which apparently contradicting the possibility of making a coherent oral dying declaration.

25. There were several inconsistencies in the testimonies of the complainant, his wife and CW2 Avtar Singh. Avtar Singh had deposed that he had taken the deceased to Civil Hospital but the admission papers did not bear his signature. Moreover, during investigation, he had stated that on 26.11.2015, he had learnt for the first time that his nephew, Gauravdeep Singh, had consumed a poisonous substance, was under treatment and had died in Amritsar hospital. He further stated that he reached the hospital and signed the memo regarding the dead body being sent for post-mortem examination.

26. Respondent No.1, in her defence, had categorically stated that she was not the Acting Principal on the day of the incident. She was attending the Sports Meet in her capacity as Managing Director while the Acting Principal was Narinder Kaur.

27. It was also not brought on record from where the deceased had obtained such poison or when it was consumed, whether immediately after leaving school, at home or later.



28. No independent witness such as Teachers, students or Security Guards was examined despite the fact that the alleged incident occurred in a school compound during a sports meet. Therefore, it is still not clear what actually happened on 20.11.2015, including whether respondent No.1 slapped or abused the deceased, or told him to “go and die.” The prosecution case rests solely on the statements of related witnesses which weakens its evidentiary strength.

29. Furthermore, the prosecution failed to establish a direct nexus between the accused’s alleged words and the deceased’s act of consuming poison. There was no suicide note as well. To prove the allegations under Section 305 IPC, the onus was upon the prosecution to show that the suicide was the immediate and proximate result of the accused’s instigation and that the accused’s conduct was intentional and aimed at provoking the act. In this case, the evidence only suggested that the accused reprimanded the boy for being late. There was no credible proof of abusive language or a directive to commit suicide. The lack of corroboration, the unclear sequence of events, and the time gap between the alleged reprimand and the act of consuming poison broke the chain of causation. While dealing with similar issue, Hon’ble the Supreme Court in the case of ***Madan Mohan Singh vs. State of Gujarat and another, (2010) 8 SCC 628*** had held as under:-

“13. It is absurd to even think that a superior officer like the appellant would intend to bring about suicide of his driver and, therefore, abet the offence. In fact, there is no nexus between the so-called suicide (if at all it is one for which also there is no material on record) and any of the alleged acts on the part of the appellant. There is no proximity either. In the prosecution under Section 306 IPC, much more material is required. The Courts have to be extremely careful as the main person is not available for cross- examination by the appellant/accused. Unless, therefore, there is specific allegation and material of definite



nature (not imaginary or inferential one), it would be hazardous to ask the appellant/accused to face the trial. A criminal trial is not exactly a pleasant experience. The person like the appellant in the present case who is serving in a responsible post would certainly suffer great prejudice, were he to face prosecution on absurd allegations of irrelevant nature.”

(emphasis supplied)

30. Similarly, in the case of ***Gurcharan Singh vs. State of Punjab, (2017) 1 SCC 433***, Hon’ble the Supreme Court had made following observations:-

“21. It is thus manifest that the offence punishable is one of abetment of the commission of suicide by any person, predicating existence of a live link or nexus between the two, abetment being the propelling causative factor. The basic ingredients of this provision are suicidal death and the abetment thereof. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Any severance or absence of any of these constituents would militate against this indictment. Remoteness of the culpable acts or omissions rooted in the intention of the accused to actualize the suicide would fall short as well of the offence of abetment essential to attract the punitive mandate of Section 306 IPC. Contiguity, continuity, culpability and complicity of the indictable acts or omission are the concomitant indices of abetment. Section 306 IPC, thus criminalises the sustained incitement for suicide.”

31. In view of the above, we do not find any illegality or perversity in the judgment of the trial Court acquitting respondent No.1 and the application under Section 378(4) Cr.P.C. seeking leave to appeal is, hereby, dismissed.

(MANJARI NEHRU KAUL)
JUDGE

(H.S.GREWAL)
JUDGE

06.08.2025
A.Kaundal

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