



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

**CRM-M-41256-2018**

Date of Decision:- 17.03.2025

**Yadwinder Singh @ Sunny**

...Petitioner

Versus

**State of Punjab and another**

...Respondents

**CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Sandeep Sharma, Advocate for  
Mr. Vaneet Sharma, Advocate  
for the petitioner.

Mr. Malkit Singh Dhillon, D.A.G. Punjab.

Ms. G.K. Mann, Senior Advocate with  
Mr. Sanjeev Kumar Sharma, Advocate and  
Mr. Anmol Jeevan Singh Gill, Advocate  
for respondent No. 2.

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**AMARJOT BHATTI, J. (Oral)**

1. Petitioner Yadwinder Singh @ Sunny filed petition under Section 482 Cr.P.C. for quashing of FIR No. 273 dated 07.11.2016 under Section 306 of IPC registered at Police Station Chherretta, Amritsar City, District Amritsar (Annexure P-1) and all consequential proceedings arising therefrom.

2. As per the facts of case narrated in FIR No. 273 dated 07.11.2016 (supra) (Annexure P-1), statement of complainant Surinder Kaur was recorded who stated that victim was her elder daughter namely



Pardeep Kaur who was working as Government Advocate posted at Amritsar. On 06.11.2016, her husband had gone to Jalandhar to attend wedding in relation. She and her daughter were alone in house. Her daughter was reading some documents in the upper portion of house. At about 05:30 PM, Gursher Singh a private Advocate who was known to her daughter came to their house and asked about whereabouts of Pardeep Kaur. Complainant told him that she was studying upstairs in her room. He disclosed that he had called her twice but she did not answer the call. She along with Gurmej Singh went upstairs and noticed that door of room was closed and when she opened the room, at that time she was vomiting. She (complainant) called Tejinder Singh, friend of her son. They took her to Arora Hospital and thereafter, to Escort Hospital in an Ambulance. Her daughter expired at about 11:30 PM during her treatment in Escort Hospital. Reason behind her death was her daughter and Yadwinder Singh @ Sunny were having good relations with each other. Yadwinder Singh was also Government Advocate posted at Batala. In the year 2015, Yadwinder Singh @ Sunny came to their house and told her that they should not look for marriage of Pardeep as they liked each other and he will make his father understand and then they will get married. Later on, Yadwinder Singh backed out from marrying her daughter. She (victim) had disclosed this fact to them. Being fed up with Yadwinder Singh, she committed suicide by consuming poisonous substance. Complainant alleged that Yadwinder Singh was responsible for the death of her daughter. With these allegations, present FIR was registered.



3. Learned counsel for petitioner argued that petitioner was appointed as Additional District Attorney in the year 2014 and at the time of filing of petition he was posted at Bathinda. Daughter of complainant Pardeep Kaur was also selected as Additional District Attorney in same batch and was posted at Amritsar. Being in the same field and having been selected together they were close friends and they used to interact with each other on phone. They also used to go out along with other friends whenever he was in Amritsar. There was no assurance on his part at any point of time that he would marry Pardeep Kaur. Therefore, allegations detailed in FIR are false. In fact, petitioner was interested in appearing competitive exams held by UPSC as well as for PCS Judicial Branch. It is argued that even if contents of FIR are taken to be true, no offence under Section 306 of IPC is made out. There is nothing on record to show that he instigated or abetted deceased victim to commit suicide. Complainant again gave supplementary statement (Annexure P-2) on 09.11.2016 by giving improved version. In the case in hand, no proper investigation was carried out. Investigating Officer instead of sending mobile phone for analysis from an expert, he got prepared transcript of conversation allegedly recorded in mobile phone. Investigating Officer did not collect voice sample of petitioner or deceased victim. Telephone of respondent No. 2 purported to have been used was sent to Central Forensic Science Laboratory (CFSL) with two recordings. Report of CFSL is Annexure P-3. One of the exhibit C-1 could not be played in laboratory. Therefore, it is highly doubtful how Investigating Officer could play the same and got prepared the transcript. Copies of transcripts dated 03.11.2016 and



06.11.2016 are Annexures P-4 and P-5 respectively. Without proper appreciation of facts and material collected by Investigating Agency, challan has been presented under Section 173 Cr.P.C. (Annexure P-6). Even if transcript of telephone conversation is looked into, it is apparent that deceased was aware that her relationship with petitioner could not mature into matrimonial alliance. Allegations levelled by complainant in said FIR are false and without any basis. To support his arguments, learned counsel representing petitioner has relied upon the judgment of **Coordinate Bench** cited in *1997(2) RCR (Criminal) 669*, case titled “Narinder Singh @ Bablu Versus State of Haryana”, where in para No. 3 it was observed as under :-

*“3. A combined reading of provisions of Sections 306 and 107 Indian Penal Code clearly comes to this that there must be a direct nexus between effect of abetment and the abetment itself. There is not an iota of evidence collected by the investigating officer that petitioner Narinder Singh at any point of time instigated the deceased to commit suicide in the failure of their desire of maturity of their relationship. The language and the letters quoted by the investigating officer during the course of investigation indicate that the deceased and the petitioner were two intimate souls and perhaps at one point of time the petitioner might have promised with the deceased for the marriage but at no point of time the petitioner ever made representation to the deceased that in the failure of their affair maturing into marriage, the deceased would punish herself by adopting extreme steps. In such a situation, it cannot be said even remotely that the petitioner ever abetted or tried to abet the deceased in order to take her valuable life. If the deceased out of her poor frustration had adopted and abetted to finish herself by resorting to the method unapproved*



*by the Society no blame can be given to the petitioner and the petitioner cannot be dragged to prosecution.”*

He has also put reliance upon another judgment of **Delhi High Court** cited in **2001(3) RCR(Criminal) 26**, case titled “**Roop Kishore Madan Versus State**”, referring to para No. 3, which runs as under :-

*“3. The law on the subject has been discussed at length in various judgments of the High Courts and the Supreme Court in **Hira Lal Jain v. State, 2000(1) RCR (Criminal) 251 (Delhi) : 2000 III AD (CrL.) DHC 121.** It was held that on reading of clause ‘First’ of Section 107 Indian Penal Code, it is clear that a person who instigates other to do a thing, abets him to do that thing. A person is said to instigate another when he incites or otherwise encourages another to commit a crime. In the present case, a reading of the so-called suicide note does not remotely suggest that the petitioner had incited the deceased to commit suicide. There is no material on record to show that the ingredients of offence of abetment had been satisfied and, therefore the offence under Section 306 Indian Penal Code cannot be said to have been committed. In **Taposhi Chakeravarti v. State, 2000(1) RCR (Criminal) 109 (Delhi) : 2000 III AD (Cr.) DHC 233** this Court has elaborately gone into what are the ingredients necessary to satisfy an offence under Section 306 Indian Penal Code.”*

Other judgments on this point are also relied upon by taking the stand that there is no direct or indirect evidence on record to establish that present petitioner in any manner abetted deceased victim to end her life. Therefore, FIR lodged against present petitioner under Section 306 of IPC is liable to be quashed.



4. On the other hand, petition is opposed by learned counsel representing respondent No. 2 along with learned counsel representing State of Punjab. In the case in hand, status report is filed taking the stand that during the course of investigation, mobile phones used by deceased victim were recovered along with two CDs containing recording of conversation of deceased Pardeep Kaur with present petitioner Yadwinder Singh over his mobile phone No. 9988365869 and 7837125400 dated 03.11.2016 as well as conversation with father of petitioner Balwinder Singh over his mobile phone No. 7837125200 dated 06.11.2016 which are Annexures P-4 and P-5. Mobile phone along with sim cards, SM card and CDRs containing conversation were sent to CFSL, Chandigarh for scientific investigation. Report is Annexure P-3. As per report of conversation dated 06.11.2016 with father of petitioner there was no sign of editing in audio file. However, CD containing conversation dated 03.11.2016 between deceased and petitioner could not be opened in laboratory. During the grant of interim bail vide order dated 05.12.2016 in CRM-M-42656-2016, he joined investigation on 24.12.2016 and produced three mobile phones which were taken into police possession. Interim bail was made absolute vide order dated 18.05.2017. During the course of investigation, application was also filed before Judicial Magistrate First Class, Amritsar seeking permission to obtain voice sample of petitioner for comparison with recording of audio files of mobile phones of deceased, which was declined by the said Court. Investigation was carried out in a proper manner and thereafter, challan is presented on 01.08.2018. Points raised by petitioner are debatable and same can be decided by trial Court at



appropriate stage. It is for trial Court to see whether prima facie offence under Section 306 of IPC is made out or not. Considering the facts and circumstances of case, there is no justification to quash FIR at this stage, when challan is already presented.

5. I have considered the arguments advanced before me and have gone through the record carefully. As per the facts narrated by complainant Surinder Kaur, her daughter Pardeep Kaur and present petitioner were colleagues and they were known to each other. In the year 2015, present petitioner allegedly came to the house of complainant and requested her not to marry Pardeep Kaur anywhere else as he was trying to convince his father who will understand soon and then they would get married. It is alleged that Yadwinder Singh backed out from marrying her daughter, as a result, she ended her life by consuming poisonous substance. Copy of FIR No. 0273 dated 07.11.2016 (supra) is Annexure P-1. Later on, supplementary statement of complainant Surinder Kaur was recorded on 09.11.2016 (Annexure P-2), further giving detail of conversation which took place with her daughter while she was being taken to hospital. As per facts, complainant came to know about consuming of poisonous substance by deceased victim at about 05:30 PM on 06.11.2016 and during treatment she expired at about 11:30 PM. Learned counsel for petitioner has annexed transcript of conversation between deceased Pardeep Kaur and petitioner dated 03.11.2016 at 06:10 PM and another conversation between deceased Pardeep Kaur and father of Yadwinder Singh namely Balwinder Singh at 03:00 PM on 06.11.2016. Report of CFSL is Annexure P-3. The day deceased victim had last conversation with father of petitioner, same day in



evening victim consumed poisonous substance which resulted into her death. In petition, it is conceded that petitioner and Pardeep Kaur got selected together. They were close friends and used to interact on telephone and they also used to go out along with other friends. However, it is claimed that he had given no assurance to deceased victim at any point of time that he would marry her. All facts and circumstances of the case and evidence collected during investigation has to be looked into. Factum of unnatural death of deceased victim cannot be ignored. Abetment is defined under Section 107 of IPC which runs 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 1.*— A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.”

Therefore, abetment involves mental process of instigating a person or intentionally aiding a person in doing a thing. In the case in hand, the day alleged occurrence took place, victim had last conversation with father of petitioner. Challan is already presented. It is for trial Court to see whether in the given facts, circumstances and evidence collected on record

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and annexed with challan report, prima facie case under Section 306 of IPC is made out or not. Therefore, at this stage, I do not find a fit case for quashing of FIR No. 273 dated 07.11.2016 (supra) (Annexure P-1), consequently present petition filed by petitioner is accordingly, dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

17.03.2025

*lalit*

**(AMARJOT BHATTI)**  
**JUDGE**

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