

PBFZ010049212021



IN THE COURT OF RACHHPAL SINGH
ADDITIONAL SESSIONS JUDGE,
FAST TRACK COURT,
EXCLUSIVELY DEALING WITH RAPE CASES,
FEROZEPUR
(UID No. PB-0284)

Session Case No. 127 of 20.07.2021
CIS NO.SC/127/2021
CNR No. PBFZ01004921-2021
DATE OF DECISION: 28.07.2026

FIR No. 49 dated 03.06.2019

Under Sections 306 of Indian Penal Code

*Police Station : Sadar, Zira,
District : Ferozepur.*

*Charge framed under Sections 306 of
Indian Penal Code.*

*(Case committed by the court of Sh.Jagwinder Singh
Learned Judicial Magistrate, Ist Class, Zira
vide order dated 01.07.2021)*

FORM 'A'	
COMPLAINANT	State of Punjab.
REPRESENTED BY	Sh. Sahib Singh, Additional PP for the State,
ACCUSED	1. Chamkaur Singh son of Baldev

	Singh, aged 28 years; 2. Kuldeep Singh son of Baldev Singh, aged 29 years; 3. Bhupinder Singh son of Jora Singh, aged 35 years; 4. Sardool Singh son of Sadhu Singh, aged 57 years; all residents of Village Joyian Wala, Police Station Sadar, Ferozepur.
REPRESENTED BY COUNSEL	<i>Sh. B.S. Kesar, Adv.counsel for accused Bhupinder Singh.</i> <i>Sh. Manpreet Singh, Adv. Counsel for accused Chamkaur Singh; Kuldeep Singh and Sardool Singh.</i>
FORM 'B'	
Date of offence	03.06.2019
Date of FIR	03.06.2019.
Date of charge sheet/police report	20.07.2021.
Date of framing of charges/	23.08.2021.
Date of commencement of evidence	18.01.2023
Date on which judgment is reserved	
Date of the judgment	28.07.2026.
Date of sentencing order, if any.	

Accused Details

Rank of accused	Name of accused	Date of arrest	Date of release on bail	Offences charged with	Whether acquitted or convicted	Sentence imposed	Period of detention undergone during Trial for purpose of Section 428 of Cr.P.C.
1.	Chamkaur Singh	–	–	306 IPC	Acquitted	--	--
2.	Kuldeep Singh	–	-	306 IPC	Acquitted	--	--
3.	Bhupinder Singh	-	--	306 IPC	Acquitted	--	--
4.	Sardool Singh	–	--	306 IPC	Acquitted	--	--

Present. *Sh. Sahib Singh*, Additional PP for the State,

Accused Bhupinder Singh (on bail)
represented by Sh. BS Kesar, Adv.

Accused Chamkaur Singh; Kuldeep Singh
and Sardool Singh (on bail)
represented by Sh. Manpreet Singh, Adv.

JUDGMENT

1. *The Officer Incharge of PS Sadar, Zira., District Ferozepur, has forwarded accused Chamkaur Singh; Kuldeep Singh; Bhupinder Singh and Sardool Singh to face trial for the offences punishable Under Section 306 of Indian Penal Code(hereinafter referred as in short as 'IPC').*

2. **Prosecution Story:-**

Criminal law was set into motion on the basis of statement suffered by **Sukhpreet Kaur** wife of Tarsem Singh, resident of Joiya Wala(**complainant**), which runs as follows:-

Rachhpal Singh, Additional Sessions Judge, Fast Track Court, Exclusively to deal with Rape Cases, Ferozepur. UID No. PB0284.

“ Her marriage with Tarsem Singh son of Bahal Singh was solemnized about 17 years prior and out of the said wedlock, three children i.e. two daughters and a son were born. About 4-5 years ago, Tarsem Singh (husband) purchased 10-1/2 acres of land from Naseeb Kaur wife of Baldev Singh vide registered sale deed and mutation was also sanctioned in the name of her husband. However, Chamkaur Singh and Kuldeep Singh sons of Nasib Kaur after taking forcible possession of the said land, got constructed houses over the same, regarding which civil litigation was initiated before Civil Courts at Zira, same was decided in favour of Tarsem Singh (husband). Tarsem Singh (husband) had also filled papers for the post of Namberdar and he was elected as such by the Deputy Commissioner but Sardool Singh instituted petition before Learned Commissioner and Bhupinder Singh, Chamkaur Singh and Kuldeep Singh were helping said Sardool Singh. However, on the date of hearing, said Chamkaur Singh, Kuldeep Singh, Bhupinder Singh and Sardool

Singh used to chase Tarsem Singh, also hurled threatenings to withdraw the cases otherwise to kill.

On 31.05.2019, Tarsem Singh (husband) had gone to attend hearing of case at Ferozepur and while he was returning, during way near Petrol Pump of Sandhe Hasham, Chamkaur Singh and Kuldeep Singh waylaid him, also accorded beatings to him, his turban was also removed and hurled threatenings to kill. Due to this, Tarsem Singh (husband) remained under severe depression and ultimately, on 03.06.2019, at about 1:00 PM (noon time), consumed Salphas and poisonous substance. Tarsem Singh also told Jagjiwan Singh (brother) on telephone that due to atrocities committed by Chamkaur Singh; Kuldeep Singh; Bhupinder Singh and Sardool Singh, he has consumed poison. Upon this, they immediately rushed to the spot, after arranging vehicle, shifted Tarsem Singh to Medicity Hospital, Moga where during treatment, at 3:30 PM, he died. Prayer made for taking action.

After recording statement, it was read over to Sukhpreet Kaur (**wife of deceased**), who in token of its correctness appended her

signatures in Punjabi, same was countersigned by **Jagjiwan Singh** (brother of deceased). It was attested by **Inspector Bachan Singh, the Investigating Officer (hereinafter referred in short as 'IO')**. Police proceedings were recorded. Ruqa was sent to the concerned police station, on the basis of which FIR *under section 306 IPC* was got registered. Proceedings under section 175 Cr.P.C. were carried, Form No.25:35 was filled at the spot and after shifting Dead Body to Civil Hospital, Zira, autopsy on the dead body was got conducted. Thereafter, dead body was handed over to the relatives.

During investigation, after spot inspection, rough site plan of the place of occurrence was prepared. From the spot, plastic vial of 500 ML of poisonous substance make Chetak-36 alongwith one vial of iron having print Aluminium Phosphid 56% (F) SALPHOS as well as one steel glass was recovered, after converting same into parcel, same was sealed by IO with his seal bearing impression "BS" and taken into possession vide separate recovery memo.

During further investigation, on 08.07.2019, suicide note of Tarsem Singh (since deceased) was produced by Sukhpreet Kaur and Jagjiwan Singh, same was taken into possession vide separate recovery memo. CD prepared by deceased Tarsem Singh before consuming

poisonous substance and before his death, produced by complainant was also taken into possession vide separate recovery memo.

On 10.07.2019, formal arrest of accused Sardool Singh was effected and after joining him in investigation, he was released on bail as per orders of the Learned Court.

On 10.07.2019 parcel containing viscera of deceased handed over by the concerned Medical Officer after autopsy on the dead body was handed over by MHC to Constable Sharanjit Singh for depositing the same in the office of Assistant Chemical Examiner, Kharar, who deposited the same on same day and on return handed over receipt of deposit to MHC.

On 11.07.2019, formal arrest of accused Bhupinder Singh was effected and after joining him in investigation, he was released on bail as per orders of the Learned Court.

On 27.07.2019, formal arrest of accused Chamkaur Singh and Kuldeep Singh was effected and after joining him in investigation, he was released on bail as per orders of the Hon'ble High Court.

Identity card of deceased bearing No.224 dated 02.08.2019 and Cheque of State Bank of India bearing A/c No.37894007298 was produced by complainant, same was taken into possession vide separate

recovery memo. Account Opening Form as well as envelope of Suicide Note duly sealed with seal bearing impression “BS” was sent vide Rod No.313/21 dated 31.07.2019 through Lady Constable Amandeep Kaur for analysis from the office of Director Forensic Science Laboratory, Phase-IV Mohali but same was returned with objections and after removing objections, same was ultimately, got deposited on 08.08.2019 regarding which report has already been received.

On 01.03.2020, during investigation, Gursewak Singh son of Jalour Singh; Jallour Singh son of Chand Singh; Jora Singh son of Chand Singh; Sukhchain Singh son of Binder Singh; Gora Singh son of Joginder Singh; Sema son of Narinder Singh; Sabha son of Mangal Singh; Hathora; Mangal Singh son of Inder Singh; Gurpreet Singh son of Bohar Singh; Bohar Singh son of Dalip Singh; Shamsher Singh son of Gurcharan Singh; Ajmer Singh son of Gurcharan Singh; Gurcharan Singh son of Sadhu Singh; Harpreet Singh alias Bhola son of Sardool Singh; Babaljit Singh son of Sardool Singh; Gurdeep Singh son of Karnail Singh; Gursewak Singh Bhullar Naib Tehsildar, Zira; ASI Gurdeep Singh; MHC Karam Singh were found to be innocent.

However, on completion of investigation, **accused**

Chamkaur Singh; Kuldeep Singh; Bhupinder Singh and Sardool Singh were challaned to face trial **under section 306 IPC**.

3. On appearing before the committal court, accused were supplied with complete copies of the challan and other documents attached with report under Section 193 of BNSS free of costs.

4. Then the case was committed by the court of ***Sh. Jagwinder Singh, Learned Judicial Magistrate Ist Class, Zira***, to the court of learned Sessions Judge, Ferozepur, from where, the same was entrusted to this court.

5. After hearing learned Addl.P.P for the State, learned defence counsel and perusing the documents annexed with report under Section 193 BNSS, a *prima facie* case ***Under Section 306 IPC***, having been made out against accused, they were charge sheeted accordingly on dated **23.08.2021**, to which they pleaded not guilty and claimed trial.

6. In order to substantiate its case, prosecution examined ***eleven (11) witnesses*** as follows :

Rank	Names of witnesses	Nature of evidence.
PW1	<i>Sukhpreet Kaur</i>	Complainant/wife of deceased
PW2	<i>Jagjiwan Singh</i>	Co-complainant/brother of deceased

PW3	<i>Senior Constable Sharanjit Singh</i>	Deposited parcel containing viscera of deceased in the office of Chemical Examiner
PW4	<i>Lady Constable Amandeep Kaur</i>	Deposited envelope containing suicide note in the office of
PW5	<i>Gurcharan Singh</i>	Alleged spot witness
PW6	<i>Gurjit Singh</i>	Alleged spot witness
PW7	<i>Tarwinder Singh, Senior Assistant, office of Commissioner, Ferozepur</i>	Proved copy of order dated 05.09.2019 regarding Lambardar of Village Joyian Wala, Tehsil Zira, District Ferozepur
PW8	<i>Dr. Vishal, Medical Officer</i>	Conducted first aid treatment of deceased
PW9	<i>DSP Bachan Singh</i>	Investigating Officer
PW10	<i>ASI Shamsher Singh</i>	Second Investigating Officer
PW11	<i>ASI Kulwant Singh</i>	Member of police party headed by DSP Bachan Singh

LIST OF PROSECUTION EXHIBITS.

Serial No.	Exhibit Number	Description
1.	Ex.P1	<i>Statement of complainant/wife of deceased</i>
2.	Ex.P2	<i>Memo of recovery of Suicide note</i>
3.	Ex.P3	<i>Suicide note</i>
4.	Ex.P4	<i>Affidavit of sample carrier</i>
5.	Ex.PW7/A	<i>Copy of order dated 05.09.2019 passed by Commissioner, Ferozepur Division, Ferozepur</i>
6.	Ex.PW8/A to Ex.PW8/D	<i>Copy of indoor patient file having CR No.3678, medical notes and intimation memo regarding admission of injured in the hospital as well as regarding death of patient.</i>

7.	Ex.PW9/A and Ex.PW9/B	<i>Medical Ruqas</i>
8.	Ex.PW9/C	<i>Police endorsement</i>
9.	Ex.PW9/D	<i>FIR</i>
10.	Ex.PW9/E	<i>Police endorsement on ruqa</i>
11.	Ex.PW9/F	<i>Inquest report</i>
12.	Ex.PW9/G	<i>Request application for conducting autopsy on dead body of deceased.</i>
13.	Ex.PW9/H	<i>Receipt regarding handing over dead body of deceased to relatives.</i>
14.	Ex.PW9/I	<i>Site plan</i>
15.	Ex.PW9/J	<i>Memo of recovery of vials from the spot</i>
16.	Ex.PW9/K	<i>Memo of arrest of accused Bhupinder Singh</i>
17.	Ex.PW9/L	<i>Memo of recovery of cheque, identity card of deceased</i>
18.	Ex.PW9/M	<i>Request application issued to the Manager, Bank of India Zira for supply of account opening form and documents regarding account of deceased.</i>
19.	Ex.PW9/N and Ex.PW9/O	<i>Copy of Account Opening form and Adhar Card</i>
20.	Ex.PW9/P and Ex.PW9/Q	<i>Memo of arrest of accused Chamkaur Singh and Kuldeep Singh</i>
21.	Ex.PW10/A	<i>Memo of arrest of accused Sardool Singh</i>
22.	Ex.PW11/A and Ex.PW11/B	<i>Reports of FSL</i>

7. No other witness was examined by the prosecution despite availing numerous effective opportunities. Therefore, remaining evidence of prosecution has been closed by the order of the court.

8. Statements of accused was recorded ***under section 351 of BNSS (313 Cr.PC)*** and all incriminating evidence come in evidence against him, was put to them, but they refuted such evidence and claimed themselves to be innocent. However, accused did not opt to lead any evidence in defence.

9. I have heard the learned Public Prosecutor for the State and the learned defence counsel and have gone through the entire case file.

10. Learned Additional Public Prosecutor for State, while opening the arguments has stated that although the witnesses examined by the prosecution have not supported the case of the prosecution, even then the case of the prosecution stands proved as the suicide note recovered at the spot has duly been proved to be that of deceased Tarsem Singh by the report of Forensic Science Laboratory and in that suicide note, it has clearly been mentioned by the deceased that the present accused have abetted him to commit suicide and since suicide note has been proved by the prosecution, therefore, all these accused are liable to be convicted.

11. **Per Contra**, learned Defence Counsels have argued that the prosecution has miserably failed to prove its case against all the accused. In-fact all the witnesses which have been examined by the

prosecution, including the complainant have turned hostile and have not supported the case of prosecution. They further submitted that the report of Forensic Science Laboratory has not been proved by the prosecution as per the provisions of Indian Evidence Act (Bhartiya Sakshya Adhiniyam) by examining any witnesses. As such, accused are liable to be acquitted.

12. After hearing arguments of both the parties and going through the record, this court finds that following point of determination is made out in this case:-

Whether on 03.06.2019 at about 1:00 PM, in the area of Village Joyian Wala, PS Sadar, Zira, Tarsem Singh committed suicide and accused Chamkaur Singh, Kuldeep Singh, Bhupinder Singh and Sardool Singh abetted the commission of crime by harassing him and thereby committed an offence under section 306 IPC?

Finding on point of determination.

13. After hearing both the learned Additional Public Prosecutor for the State and the defence counsels, this Court finds that the case of the prosecution is that “*since, Tarsem Singh (husband of complainant) had earlier purchased 10-1/2 acres of land from Naseeb Kaur but Chamkaur Singh and Kuldeep Singh sons of Nasib Kaur had taken*

forcible possession of the said land, also got constructed houses over the same, regarding which civil litigation was pending adjudication. Further, Tarsem Singh (husband) had also filled papers for the post of Namberdar but Sardool Singh in connivance with Bhupinder Singh, Chamkaur Singh and Kuldeep Singh started hurled threatenings to withdraw the cases otherwise to kill. Further, on 31.05.2019, when Tarsem Singh had gone to attend hearing of case at Ferozepur and while he was returning, during way near Petrol Pump of Sandhe Hasham, Chamkaur Singh and Kuldeep Singh waylaid him, also accorded beatings to him, due to which, Tarsem Singh remained under severe depression and ultimately, on 03.06.2019, at about 1:00 PM (noon time), consumed poisonous substance and ultimately died during treatment” . It is further the case of prosecution that “during investigation police recovered a suicide note, in which the present accused have been held responsible by deceased Tarsem Singh for abetting him to commit suicide”.

However, from the statements of the witnesses, one thing is clear that none of the witnesses examined by the prosecution have testified any of the accused of the present accused to be the person, who abetted deceased Tarsem Singh to commit suicide rather stated that

since, the deceased was suffering from ill health and remained under tension, thus committed suicide.

14. **PW1 Sukhpreet Kaur** (complainant/wife of deceased) is the star witness of the prosecution but while appearing in dock, she stated that her husband was not having good health and remained under tension and due to poor condition of his health, on 03.06.2019, her husband took extreme step of committing suicide by consuming poison in the field. She specifically stated that nobody ever harassed her husband or abetted him to commit suicide and that there is no fault of anybody in the death of her husband. Even she denied to have got recorded any statement before police against the accused present in court that they have harassed her husband and abetted him to commit suicide. She was declared hostile by the Learned Addl. PP for the State as she did not support the prosecution version and ld. Addl.PP was allowed to cross examine this witness. Ld. Addl.PP for the state cross examined this witness at length but she denied the suggestion regarding compromise with accused. Not only this, specific suggestion was put to the complainant/wife of deceased by the Learned Addl. PP for the State to the effect that “ It is neither a fact nor I got recorded that prior to death of my husband, he had

purchased land measuring 10-1/2 kanals from Nasib Kaur wife of Baldev Singh of Village Joiyan Wala or that registry is entered in the name of my husband or that Chamkaur Singh and Kuldeep Singh sons of Nasib Kaur forcibly occupied the said land or that they constructed house on it". One more suggestion was put to PW1 Complainant/wife of deceased which she denied to the effect that "It is wrong to suggest that my husband filed civil case at Zira Court or that the case was decided in our favour or that my husband had filed a case regarding recovery of expenditure which was till pending or that my husband was appointed as Nambardar by Deputy Commissioner, Ferozepur". Though, she admitted her signatures on statement Ex.P1 but at the same time volunteered that her signatures were obtained by police on blank papers. Even she denied to have handed over any suicide note recovered from the clothes of her husband to Inspector Bachan Singh on 08.07.2019. She further denied of having over CD MO1 to Inspector Bachan Singh on 09.07.2019 which was allegedly recorded by her husband before committing suicide.

15. Thus, from the above part of cross-examination conducted by the Learned Addl. PP for the State of complainant,

who turned hostile during her deposition on oath, it is clearly established on record that there was dispute regarding land between complainant family and accused persons namely Chamkaur Singh and Kuldeep Singh who are none else rather sons of Nasib Kaur (vendor of Tarsem Singh). It further goes to show that Civil dispute was pending between the parties and the said pendency of civil proceedings do not depict that the case of the deceased Tarsem Singh falls within the ambit of **Section 45 of Bhartiya Nyaya Sanhita**, wherein it has been defined as under:-

45. Abetment of a thing—A person abets the doing of a thing, who--

(a) instigates any person to do that thing; or

(b) 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

(c) 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.

Explanation 2—Whoever, either prior to or at the time of commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

16. So far as deposition of **PW2 Jagjiwan Singh** (brother of deceased), is concerned, he toed the lines of PW1 Sukhpreet Kaur. He too denied to have got recorded any statement before police. Though, he admitted his signatures on statement Ex.P1 of Sukhpreet Kaur (complainant) at Point-B but at the same time volunteered that his signatures were obtained by police on blank papers.

17. **PW5 Gurcharan Singh** and **PW6 Gurjit Singh** while appearing in dock stated that on 31.05.2019, while they were present in their office i.e. HP Narinder Filling Station, Zira Road, on that day, no occurrence regarding any quarrel took place at said

Filling Station. Even they denied to know Tarsem Singh, Chamkaur Singh and Kuldeep Singh. They further denied to have got recorded any statement before police.

18. So far as examination of remaining prosecution witnesses, is concerned, they all are formal witnesses and have not seen the occurrence rather have proved sequence of investigation. They nominated accused on the basis of suspicion and, nothing incriminating has come out during their deposition in the court, thus, their such testimony, for want of support from material witnesses, is no way sufficient to prove the case of prosecution. Thus, the prosecution has failed to instill the required confidence of the court.

19. ***So far as, alleged suicide note Ex.P3 is concerned,*** in such a scenario, the suicide note cannot be termed to be of much evidentiary value, particularly when, it does not bear any date or time when it was written by the deceased. Learned Additional Public Prosecutor for State has relied upon the report of Forensic Science Laboratory **Ex.PW11/B**, wherein it has been opined that **“the person who wrote the red enclosed standard signatures stamped and marked A1 to A7 also wrote the red enclosed questioned signatures similarly stamped and marked Q1 and Q2”**.

Even if, this aspect is considered, then also, the prosecution had to prove that all these writings are of deceased Tarsem Singh. It is settled principle of law that prosecution has to stand on its own leg and to prove its case beyond the reasonable shadow of doubt by leading cogent and convincing evidence. But in the present case, although as per report of Forensic Science Laboratory, it has been opined that **“the person who wrote the red enclosed standard signatures stamped and marked A1 to A7 also wrote the red enclosed questioned signatures similarly stamped and marked Q1 and Q2”** but it does not prove the fact that it was deceased Tarsem Singh who is the author of these writings. The reason is that, as per FSL Report only questioned signatures Q1 and Q2 and standard signatures A1 to A7 are of one and the same common author. It is nowhere mentioned in the report that body writing of suicide note Ex.P3 is also of common authorship who signed questioned signatures Q1 and Q2 and standard signatures A1 to A7. So for want of said cogent and convincing evidence, the prosecution has failed to prove that suicide note is of one and the same person namely deceased Tarsem Singh who appended questioned as well as standard signatures. Not only this, even PW1 Sukhpreet Kaur (complainant/wife of deceased) and PW2 Jagjiwan Singh (brother of

deceased) have not uttered even a single incriminating against the accused persons, which fact also goes to the root of the prosecution case. When the case of the prosecution is based upon the suicide note, it was incumbent upon the prosecution to prove the suicide note. That being so, the suicide note cannot be made the sole ground to record conviction against the accused persons as the same does not stand proved on record.

Accordingly, point of determination is hereby decided in favour of the accused.

20. In view of the above detailed discussion, this court is of the considered opinion that prosecution has failed to prove its case against the accused beyond reasonable doubt. Therefore, accused ***Chamkaur Singh; Kuldeep Singh; Bhupinder Singh*** and ***Sardool Singh*** are hereby acquitted of the charges framed against them in this case. Their bail bonds and the surety bonds stand discharged. Reader is directed to make necessary entry regarding deleting the surety in the CIS. Case property, if any be dealt as per rules after the expiry of period of limitation prescribed for filing the appeal or revision, and its result if any. Articles recovered during personal search of accused, are ordered

to be released against proper receipt and identification. File be
consigned to Record Room.

Pronounced in open court.

Dated: 28.07.2026.

**(Rachhpal Singh)
Addl. Sessions Judge,
(Fast Track Court, exclusively
dealing with rape cases) Ferozepur
UID No. PB0284.**

**(Manoj Kumar)
Stenographer-II**