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

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**CRM-M No.30006 of 2025  
Date of decision: 07.07.2025**

Gurwinder Singh ... Petitioner

Vs.

State of Punjab ... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amitoj Singh Dhaliwal, Advocate,  
for the petitioner.

Ms. Himani Arora, AAG, Punjab,  
for the respondent-State.

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**MANISHA BATRA, J. (Oral)**

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

<b>FIR No.</b>	<b>Dated</b>	<b>Police Station</b>	<b>Sections</b>
115	04.10.2024	Khuian Sarwar, District Fazilka	56, 351(2), 126(2), 115(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (108 of BNS added later on)

2. Adumbrated facts as emanating from the record are that on 03.10.2024, on receipt of an information regarding admission of the complainant-victim Sada Lal in Civil Hospital Abohar, a police party

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reached there and obtained opinion of doctor regarding condition of the injured and thereafter recorded statement of victim Sada Lal who stated that he had worked as a private contractor in Electricity Board i.e. PSPCL in the year 2023. The accused Baldev Singh who was posted as Sub Divisional Office in Sub Division Khuian Sarwar along with the petitioner and the co-accused used to demand a sum of Rs.10 lakhs and were otherwise threatening to implicate him in false cases. On the same day, the petitioner and co-accused Kabal Singh had intercepted him when he was going from his house to Khuian Sarwar and had demanded money. On his refusal, they had extended beatings to the victim. He further stated that as he was unable to bear the humiliation, therefore, he had immolated himself by pouring petrol as he was tired of the harassment given by the petitioner and co-accused Kabal Singh. He also disclosed that he was extended beatings by all the persons named by him. Initially, a case under Sections 115(2), 126(2), 351(2), 56 and 61(2) of BNS was registered. Investigation proceedings were initiated. The victim succumbed to the injuries sustained by him and died on 06.10.2024. Offence under Section 108 of BNS was added. The co-accused Baldev Singh has been extended benefit of anticipatory bail and co-accused Kabal Singh has been extended benefit of regular bail. The petitioner moved application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Fazilka vide order dated

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22.10.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and the FIR filed against him infact is a counter blast to the FIR No.505 dated 10.07.2024 registered under Section 138 of the Electricity Act, 2003 at Police Station APT, District Bathinda as against the complainant-victim and one Balwinder Singh on the complaint of co-accused Baldev Singh. Infact, the victim who was working as a contractor in Electricity Department was indulged in tampering with electricity meters and then blackmailing consumers of electricity by demanding money from them for not reporting the matter to the Electricity Department. Several representations had been moved by the petitioner and other co-villagers to the different authorities for conducting enquiry into the matter and then the aforementioned FIR No.505 was registered. The allegations as levelled by the complainant-victim even if considered to be correct did not made out any case for abetting suicide by the victim and as such the ingredients of Section 108 of BNS have not been attracted at all in this case. The co-accused Kabal Singh has been extended benefit of regular bail and co-accused Baldev Singh has been extended benefit of anticipatory bail. The custodial interrogation of the petitioner is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, argued that he deserves to be extended concession of pre arrest bail.

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4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner who along with the accused Kabal Singh had intercepted the victim on 03.10.2024 and had raised demand of Rs.10 lakhs by extending threat to otherwise implicate him in a false case. The victim could not bear the humiliation given by the petitioner and the co-accused and was forced to immolate himself. He recorded his statement which amounts to dying declaration and is a sufficient piece of evidence. The custodial interrogation of the petitioner is must for conducting thorough investigation in the matter. Therefore, it is argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have harassed the complainant-victim on account of demand of a sum of Rs.10 lakhs. He along with the accused Kabal Singh is further alleged to have demanded the same amount from the complainant on 03.10.2024 and is then alleged to have extended threat to the victim and extended beatings to him. The victim had set himself ablaze and sustained 60% burn injuries as a result of which he had died on 06.10.2024. It is a question of debate as to whether in view of the allegations as levelled against the petitioner, a case for commission of offence under Section 108 of BNS i.e. making abetment to commit suicide is made out or not? In order to

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bring a case under the provisions of Section 108 of BNS (which is pari materia with Section 306 of IPC), undoubtedly, 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 act of instigation or by doing certain acts to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to suicide would not amount to an offence under Section 108 of BNS. If an accused by his acts and continuous course of conduct is shown to have created any such situation which leads the victim to perceive no other option and if there is some material on record to show that some particular action on the part of the accused had compelled the victim to commit suicide and his suicide was proximate to such offending action which could either be an act of instigation or by doing certain acts to facilitate the commission of suicide, the case for committing offence of abetment to suicide is made out. It is on the basis of thorough assessment of the evidence to be produced at the trial that it can be determined as to whether there was abetment on the part of the petitioner to the victim to commit suicide. The material placed on record by the petitioner shows that an FIR had already been registered against the victim at the behest of co-accused Baldev Singh and certain representations had also been filed against him. No nexus of proximity to the incident of suicide is prima

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facie noticed. At this stage, there is no material to show that there is any harassment on the part of the petitioner immediately before commission of the subject offence which led to suicidal death of the victim. Given the nature of the allegations, this Court is of the considered opinion that no case for pre trial incarceration of the petitioner is made out. As such, the petition is allowed and it is ordered that subject to petitioner's surrendering before the Investigating Officer/Arresting Officer within a period of ten days from today and joining investigation and subject to his furnishing personal/surety bonds to the satisfaction of the Investigating Officer/Arresting Officer and complying of usual conditions as envisaged under Section 482(2) of BNSS, the petitioner shall be admitted to bail and also subject to the following conditions:-

(i) the petitioner shall cooperate with the investigation and shall appear before the Investigating officer/Arresting officer as and when required.

(ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

(iii) He shall not leave the country without prior permission of the Court.

(iv) He shall deposit his passport if any, with the jurisdiction

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Magistrate/trial Court.

7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANISHA BATRA)**

**JUDGE**

**07.07.2025**

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No