

2025.PHHC.033999



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

**CRM-M-13414-2025
DECIDED ON: 11.03.2025**

RAVNEET KAUR

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Varun Goyal, Advocate for the petitioner.

Mr. Jaspal Singh Guru, AAG Punjab

Mr. G.S. Bhatia, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR NO. 245 dated 07.12.2024 U/S 108, 3(5) of BNS 2023 (Annexure P-1) registered at PS-Kamboj, Dist. Amritsar Rural.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Balbir Singh s/o Joginder Singh cast Jatt r/o Fatehgarh Shukkarchak mob. 98726-71049 stated that I am

resident of above mentioned address and retired from amry and now I am agriculturist. I have two sons elder Sukhwinder Singh and younger one is Palwinder Singh. Palwinder Singh is employed in Indian Army. He was on leave for 11 days and came back on 29.11.2024. after reaching here, he went to meet his in laws at village Jethulal and his wife Ravneet Kaur has also gone to village Jethuwal. Few days back, due to a child born to Ravneet Kaur, therefore, her mother Narinder Kaur, sister Anupreet Kaur and Lovepreet taken her back to her parental house. After staying 5/6 days over there, h came back to our house and told us that my mother in law namely Narinder Kaur, my wife namely Ravneet Kaur and my sister in law name Anupreet Kaur have insulted me very much and they have refused to send my wife Ravneet Kaur with me and further said that bring Rs 2 lac other you will not allowed to enter in the house. My son remain upset from said day. We also tried to make him understand that we will arrange the money. He ahs to get back to his unit at 4AM. Last night after having dinner all the family went for sleep at around 11:30 PM. Palwinder Singh slept near to his mother. I went to Palwinder Singh in order to get him up 2 AM and i saw Palwinder singh was not present at his bed. My wife and son also tried to search him nearby but Palwinder Singh could not find. When I searched him in the rom situated at at roof then I saw that Palwinder Singh hanged him with fan and his body was hanging with fan. I informed about this to Sarpanch of our village as well as other respectable of our village. My son was forced to die by his mother in law Narinder Kaur, sister in law Anupreet Kaur and his wife Anupreet Kaur and Lovepreet Singh s/o Gurdial Singh /o Mehnian Kuhara. My son has ended his life by hanging himself after getting hurt from them. So legal action may kindly be taken against them.”

3. **Contention**

On behalf of the petitioner

Counsel for the petitioner contends that she has been falsely implicated in the instant petition wherein she has not committed the alleged offence. He further contends that the deceased(Palwinder Singh) was never harassed, maltreated or thrown out of the house, rather he was staying at his in laws house for last 5-6 days before the alleged incident. It is further argued that the deceased was having dispute with his family who assaulted him and administered poisonous substance to him. Since nothing is to be effected from the petitioner added with the fact that co-accused Anureet Kaur has been granted anticipatory bail . She is ready and willing to cooperate in the investigation hence she be granted the concession of anticipatory bail.

Notice of Motion.

4. **On behalf of the State and Complainant**

Learned State counsel appearing on advance notice prays for dismissal of the bail at the very outset while submitting that the bail was obtained as a result of misrepresentation by Anureet Kaur. Learned State Counsel assisted by Counsel for the complainant contends that she has direct role pertaining to the suicide of the deceased wherein he was mentally tortured by her repeatedly while demanding Rs. 2 lacs from him.

Heard counsels for the parties at length.

5. **Analysis**

Before delving into the merits of the case, it is pertinent to understand as to what kind of mental state compels a person to commit suicide. Suicide refers to an act when someone harms themselves with the intent to end their life. The reasons that people attempt suicide are varied and

complex, but they often involve severe emotional or physical pain that a person finds unbearable.

Before embarking upon the merits of the case, it deems appropriate to notice the law laid down in the statute which is reproduced herein below:-

“Section 108- Abetment to 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 108 BNS directs that whoever abets the commission of suicide ,shall be punished with imprisonment for a term of not less than 10 years, Therefore, the soul of section108 is abetment which is explained under section 46 BNS which reads as follows:-

“Abetment of a thing- A person abets the doing of the thing, who-

First- Instigate 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.”

Section 46 BNS, clearly mandates that if the accused intentionally aids any act against the victim which leads to the ingredients of

Section 108, then it would apply. Therefore, the crux of section

46 is that intention of the accused should be to aid or instigate or abet the deceased to commit suicide.

To convict a person under Section 108 BNS, there has to be clear mens rea to commit offence. It also requires an active act or direct act which leads deceased to commit suicide finding no other option and the act must be such reflecting intention of the accused to push deceased into such a position that he commits suicide. The prosecution has to establish beyond reasonable doubt that the deceased committed suicide and the petitioner abetted the commission of suicide of the deceased.

Although, the word instigation has not been specifically defined by the statute but has been time and again interpreted by the Apex court in its various judgments. In, “**Ramesh Kumar v. State of Chhattisgarh [(2001) 9 SCC 618]**” the Apex court has held that:-

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

Also, human mind is an enigma. It is well nigh impossible to unravel the mystery of the human mind. There can be myriad reasons for a

man or a woman to commit or attempt to commit suicide; it may be a case failure to achieve academic excellence, oppressive environment in college or hostel, particularly for students belonging to the marginalized sections, joblessness, financial difficulties, disappointment in love or marriage, acute or chronic ailments, depression, so on and so forth.

As Section 108 BNS makes abetment of commission of suicide punishable, therefore, for making a person liable for an offence punishable under Section 108 BNS, it is a duty of the prosecution to establish that such person has abetted the commission of suicide and for the purpose of determining the act of the accused, it is necessary to see that his act must fall in any of the 3 categories as enumerated under Section 46 of the BNS and, therefore, it is necessary to prove that the said accused has instigated the person to commit suicide or must have engaged with one or more other persons in any conspiracy for seeing that the deceased commits suicide or he must intentionally act by any act or illegal omission, of the commission of suicide by the deceased.

In the instant petition, the allegations against the petitioner are specific and grave in nature supported with a suicide note which clearly makes the prosecution version strong wherein the suicide note categorically states that the deceased was in distress owing to the humiliation attributed to the petitioner.

6. Relief

Consequently, the allegations against the petitioner is very specific and, therefore, this Court does not find any ground and reason to grant

any relief of the kind prayed for. Therefore, this petition being sans merit is ordered to be dismissed.

However, it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

11.03.2025
anuradha (v)

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*