



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

CRM-M-57200-2024

Reserved on: 24th February, 2025

Pronounced on: 4th March, 2025

Sombir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashok Kumar Sharma (Bhana), Advocate for the petitioner.

Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

Mrs. Renu Dhull, Advocate for the complainant.
(through VC)

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 152 dated 19.06.2023 registered under Section 306 read with Section 34 of IPC at Police Station Uchana, District Jind.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Phool Singh alleging therein that his elder son Paras was married with one Bhatari on 01.04.2023. She had left her matrimonial house on 09.06.2023 while taking away the entire cash and jewellery kept therein. A complaint was lodged on 10.06.2023 about her



having gone missing. On 12.06.2023, Bhateri had appeared at the Police Station and had given an affidavit that she had gone as per her own wishes. His son Paras was quite disturbed ever since then and had committed suicide by hanging himself on the intervening night of 18/19.06.2023. He had left a suicide note holding the petitioner-Sombir and co-accused responsible for his suicidal death. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body was conducted. During investigation, the petitioner was joined into investigation and suffered disclosure statement to the effect that he had an affair with Bhateri and on coming to know about this fact, her parents got her married with the victim. The victim had come to know about their relationship sometime thereafter. On 09.06.2023, Bhateri had left her matrimonial house and had gone with petitioner. They had started living in live-in-relationship and documents to this effect were executed. It was on account of their relationship that the victim committed suicide. Investigation was initiated. The petitioner and co-accused Bhateri were formally arrested. After completion of investigation, challan was presented against the present petitioner and co-accused and now they are facing trial for commission of offences under Section 306 read with Section 34 of IPC.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was arrested one year after the alleged suicide by the victim. He is in custody since 13.06.2024. Trial is likely to take time. The ingredients for commission of offence punishable under Section 306 of IPC are not at all attracted in this case. He has permanent abode. There are no chances of his absconding. The co-accused



Bhateri whose case is on similar footing, has since been extended benefit of bail. On parity, he too deserves to be released on bail. His further detention would not serve any useful purpose. With these broad submissions, it was urged that the petitioner deserves to be released on bail.

4. Status report had been filed by respondent-State. Learned Deputy Advocate General, Haryana assisted by learned counsel for the complainant had argued that there are serious allegations against the petitioner. The victim has left a suicide note alleging that demand of Rs. 15,00,000/- had been raised from him and otherwise he was pressurized to commit suicide and that the petitioner along with the co-accused were responsible for his death. As per the FSL report, the writing on the suicide note has matched with the admitted writing of the deceased. Trial may be expedited. Therefore, it was urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have abetted suicide by victim. As per the allegations, the victim had left a suicide note to the effect that demand of Rs. 15,00,000/- was made from him and he was pressurized to commit suicide. However, five persons are shown to have been named in this suicide note without specifying, as to which particular person had been raising such demand and who was pressurizing the victim to commit suicide. These questions are to be determined by the learned trial Court on thorough assessment of the evidence to be produced during trial and not at this stage. The petitioner is in custody since 13.06.2024. Trial will



take time. The petitioner has been booked for commission of offence punishable under Section 306 of IPC. In order to prove a case under the provisions of Section 306 of IPC, it must be shown that the accused played an active role by an act of instigating 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 306 of IPC. It is a debatable issue as to whether, the ingredients for commission of offence under Section 306 of IPC has been made out against the petitioner or not. Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

4th February, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*