

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:121304



306

CRM-M-41504-2025 (O&M)
Date of decision:05.09.2025

Davinder Kaur @ Davinder kaur Rai & another ... Petitioners

Vs.

State of Punjab & others ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sarju Puri, Advocate for the petitioners.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant petition has been jointly filed under Section 482 of the BNS seeking grant of anticipatory bail to the petitioners in case arising out of FIR No.160, dated 10.10.2024, under Section 108 of the BNS, registered at Police Station Garhshankar, District Hoshiarpur.

2. The aforementioned FIR has been registered on the basis of statement of the complainant – Mehboob Khan alleging that his younger son Ashiq Khan had been admitted in Guru Sewa Nursing College, Panam, Hoshiarpur in the year 2023 for doing B.Sc. Nursing course of four years. He was studying in 2nd semester. On 17.09.2024, he was expelled from his college for a period of six months. No information was given to the complainant in this regard by the college authorities. His son came to the village and informed him that present petitioner No.1, who is Administrator

of the college and petitioner No.2, who is Vice Principal therein, were harassing him without any reason and had expelled him from the college. On 07.10.2024, the complainant went to the college along with his son and met petitioner No.1, who advised him to meet the Principal. On asking of the Principal, he swore an affidavit undertaking that his son would not commit any mistake in future and also requested the Principal to give information to him if any fault was found in his son. He left his son in the hostel on the same day but on the very next day, his son had telephonically informed him that the petitioners had been unnecessarily harassing him. The complainant pacified his son and assured that he would visit him within few days. However, on 09.10.2024, he received information that his son had committed suicide. By alleging that the petitioners were responsible for the death of his son, he prayed for taking action in the matter. The petitioners were, as such, nominated as accused. Apprehending their arrest, the petitioners moved separate applications for grant of pre-arrest bail which were dismissed by the Court of learned Additional Sessions Judge, Hoshiarpur vide order dated 26.11.2024.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The story of the victim being harassed at their hands is totally false. Infact, the victim along with five other students of the college had been rusticated by the Principal on 18.09.2024 as neither of them have been attending college and also remained absent from the hostel. He was found indulged in indiscipline. Upon being apprised of the conduct of his son, the complainant had reprimanded his son and had also furnished an undertaking on 08.10.2024 before the college authorities

assuring that his son would not repeat his mistake in future. In view of the same, the college authorities had revoked the order of expulsion and had allowed the victim to sit for his examination and to attend classes and hostel. The decision of revoking the order of expulsion was also taken because of the fact disclosed by the complainant that the victim had been suffering from depressive tendencies in the past.

4. It is further submitted that the petitioners are ready to join investigation. Their custodial interrogation is not required. No recovery is to be effected from them. The allegations in the FIR even if considered to be correct, do not make out any prima facie case for commission of offence punishable under Section 108 of BNS, 2023. There is nothing on record to establish any proximate nexus between the suicide by the victim and alleged conduct of the petitioners. It is, therefore, urged that the petition deserve to be allowed.

5. Status report has been filed. It is argued by learned State counsel that there are serious allegations against the petitioners. For conducting thorough and proper investigation in the matter, their custodial interrogation is must. It is, therefore, urged that the petition does not deserved to be allowed.

6. This Court has heard the rival submissions made by learned counsel for the parties carefully.

7. The petitioners are alleged to have abetted suicide by the victim. The essential ingredients for commission of offence of suicide are; (i) The abetment; (ii) The intention of the accused to aid or instigate or abet the victim to commit suicide. Instigation means to goad, urge forward,

provoke, incite or encourage to do an act. 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 except to commit suicide, the case may fall within the provisions of 108 of the BNS which are par materia with Section 306 IPC. For the purpose of finding out that a person has abetted the commission of suicide by another, the consideration would be if the accused is guilty of act of instigation or the act of suicide. In the instant case, however, no allegation to show that the petitioners had committed any such overt act which amounted to instigation on their part qua the victim to take the extreme step of committing suicide. Prima facie, no nexus of proximity to the incident of commission of suicide is noticed at this stage. No specific instance of harassment of the victim by the petitioners has been quoted. It is a matter of evidence as to whether the ingredients for commission of subject offence are attracted qua the petitioners. Given the nature of the allegations as levelled against the petitioners, this Court is of the considered opinion that no prima facie case for custodial interrogation of the petitioners is made out. As such, their pre-trial incarceration is not required. Accordingly, the petition is allowed and the petitioners are ordered to be released on bail in the event of their arrest, on the following conditions:-

- (i) They shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of 15 days;
- (ii) They shall appear before the Investigating Officer as and when called subsequently and submit all documents and details

as may be called upon by him.

(iii) They shall not tamper with the evidence or cause any threat or inducement to any of the prosecution witnesses in any manner.

(iv) In the event of violation of any of the above said terms, their bail shall stand automatically cancelled.

(v) They shall not leave the country without prior permission of the trial Court.

(vi) They shall regularly appear before the Court on every date of hearing also as and when called upon to do so during the course of trial.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

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

05.09.2025

harjeet

(MANISHA BATRA)
JUDGE

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