



106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38819-2025
DECIDED ON: 22.07.2025

NEETU DEVGON

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Jastej Singh, Addl. A.G, Punjab.

Mr. Deepak Bhardwaj, Advocate for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

The jurisdiction of this Court has been invoked under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 96 dated 04.07.2025 under Sections 108 of BNS, 2023 registered at P.S. City Samana.

2. The contents of the FIR reads as under:-

'At this time, it has been entered that a statement from Surinder Saini alias Rahul son of Nirmal Singh, resident of Ward Number 03, New Pratap Colony, Samana, Police Station: City, Samana, District: Patiala, aged approximately 29 years, Mobile No. 91151-33315 against Neetu Devgan daughter of Satpal Devgan, resident of New Sai Vihar, Patiala, U/S 108 B.N.S., scribed/ written by A.S.I. Gurmeet Singh



1057/PTL, Police Station: Samana, has been received by hand through PHG Varinder Singh 30286 for registration of a case, the contents of which are as under: "Stated that I am a resident of the afore-mentioned address and I have been doing the business of immigration at Samana itself. We are five siblings (sisters-brothers). The eldest of all is my brother Satish Kumar Saini, younger to him is my sister Balwinder Singh wife of Sunil Kumar, resident of Kurukshetra, younger to her is my sister Poonam wife of Pardeep Kumar, resident of England, younger to her is my sister Lakhwinder Kaur wife of Ravinder Kumar, resident of Kurukshetra and I am the youngest. We, all the siblings (brothers-sisters) have been married. My eldest brother Satish Kumar Saini has been serving as Senior Accountant in Public School, Samana, for the last about 15 years. Along with my brother Satish Kumar, in the same School, Neetu Devgan daughter of Satpal Devgan, resident of New Sai Vihar, Patiala was posted as Principal, now who has been working as a Teacher and when Neetu Devgan was working as Principal few months ago with my brother, then she has committed embezzlements in many Funds of the School and my brother as Accountant has highlighted the fraud/ scam of Neetu Devgan, due to which the Committee of the Public School, by removing Neetu Devgan from the post of Principal, put her on duty as a Teacher, who has now been serving as a Teacher in the School. About 5/6 months ago, when Neetu Devgan was removed from the post of Principal, at her place, Sunita Rani was posted as Principal and due to this enmity/ hostility, she has slapped my brother, due to which from that time, the said Neetu Devgan afore-mentioned was harassing my brother and yesterday i.e. dated 03.07.2025, I and my brother Satish Kumar while sitting at the house, were conversing regarding domestic issues and my brother Satish Kumar disclosed/ told me that Neetu Devgan daughter of Satpal Devgan, resident of New Sai Vihar, Patiala, Mobile Number 99888-16860 and Shankar Jindal alias Vaneet Jindal son of Pawan Kumar Jindal, resident of Samana, presently resident of Patiala, Mobile Number 80541-66009, Bharat Bhushan Goyal, resident of New Shiv Temple, Samana, Mobile Numbers 94170-49134, 88472-67034 and 2/3 other unknown persons,



whose names are not known to me were directly harassing/teasing my brother and were threatening to kill him, due to which my brother was living under very much disturbance/ distraught. Today on dated 04.07.2025, as usual, my brother went to School for his duties, then being worried for my brother due to the facts told by him, I called my brother over phone at about 09.00 a.m. and asked him whether he is alright, who told me that I have reached the School, but I am very much fed up from these persons, my issue may kindly be solved. I, by encouraging my brother, asked that we will converse with the Managing Committee of the School by sitting in the evening. That in the evening, at about 04.00/05.00 p.m., I was told over phone by Mohit Kumar son of Jang Bahadar Mishra, resident of New Partap Clony, Samana, who has been serving in Aggarwal Dharamshala that the condition of your brother Satish Kumar has been much worsened/ deteriorated, you should come to School and by going to School, I saw that my brother has hanged himself with fan by tying the rope in the Office, where he used to do his work while sitting there, thereafter, I with the help/assistance of other persons, brought down my brother who was hanging with the rope tied with the Fan, by cutting the rope and took him for treatment to Civil Hospital, Samana, to whom the Doctor Sahib, after checking, declared as dead. From the pocket of the shirt worn by my brother, one hand-written note was found in which he has mentioned that Neetu Devgan was responsible for his death. For the death of my brother, Satish Kumar Saini, Neetu Devgan daughter of SATpal Devgan, resident of New Sai Vihar, Patiala, Shankar Jindal alias Vaneet Jindal son of Pawan Kumar Jindal, resident of Peer Gori Mohalla, Near Saradkhana Mandir, Samana, presently resident of Patiala, Bharat Bhushan Goyal son of Brij Lal, resident of Near Shiv Mandir, Samana are responsible, against whom requisite legal action may kindly be taken. I am hereby presenting/ submitting the hand written note of my brother before you. I was coming to inform you at the Police Station, when you along with the Police party have met me Near Waraichan Maur, Samana and I have recorded my statement to you in the presence of Mohit Kumar son of Jang Bahadar Mishra, resident of New Partap Colony, Samana. Statement has



been heard, it is correct. Sd/- Surinder Saini, afore-mentioned, Mobile No. 91151-33315.'

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case due to long-standing animosity between the parties. It is submitted that in an earlier FIR No.138 dated 24.10.2024, the name of the deceased did not find mention, thereby casting serious doubt on the alleged involvement of the petitioner. Learned counsel further submits that there is no cogent or credible material on record to connect the petitioner with the commission of the alleged offence. It is further urged that the purported suicide note was not recovered from the place of occurrence, and the essential ingredients of Section 108 of the Bharatiya Nyaya Sanhita, 2023, are missing, inasmuch as there is no evidence of any act of instigation or incitement attributable to the petitioner. Learned counsel has also drawn the attention of this Court to the fact that the petitioner had earlier been subjected to physical assault by Satish Kumar Saini and his family members, leading to the registration of the aforesaid FIR, which clearly reflects the strained relations between the parties.

Notice of motion.

On behalf of the State/complainant

On asking of the Court, Mr. Jasjit Singh Rattu, learned Deputy Advocate General, Punjab, appears on behalf of the respondent/State and accepts notice. He vehemently opposes the present petition and prays for its dismissal, contending that the petitioner is directly responsible for the death of the brother of the complainant. Learned State counsel refers to the CCTV footage, which



purportedly depicts the petitioner physically assaulting and misbehaving with the deceased within the office premises, in the presence of other individuals. He further relies upon the findings of an enquiry conducted against the petitioner, which reveal acts of misconduct, misbehaviour, and harassment towards the complainant's brother. It is further submitted that the custodial interrogation of the petitioner is imperative to elicit the truth, in view of the specific and serious allegations levelled against him.

4. **Analysis**

Before proceeding further with the matter this court would delve into the question pertaining to whether a person can be made liable for abetment of suicide where instigation or any kind of proximity with the commissioning of the suicide and the accused person has not been established.

It is trite law that a person can be held liable for abetment of suicide under section 108 BNS only if there is a direct involvement in instigating, aiding, or engaging in a conspiracy leading to the suicide.

A duty has been placed on the prosecution to establish two components to hold someone liable under Section 108 BNS which are :-

1. Mens Rea (Guilty Mind) i.e. the intention of an accused to push the deceased to commit suicide.
2. Direct or Indirect Act of Instigation i.e. the accused's actions or words instigated the deceased directly/indirectly to commit suicide should be evident. The apex court in *Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009 (16) SCC 605*, discussing this aspect of abetment, dealt with the dictionary meaning of the word "instigation" and "goading". The court opined that there should be intention to provoke, incite or encourage



the doing of an act by the latter. Each person's suicidability pattern is different from the others as one has his own idea of self-esteem and self-respect.

Therefore, it is impossible to lay down any straight-jacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained and thus, a direct connection between the accused's acts and the suicide must be proved.

Be that as it may, given thoughtful consideration to the submissions and discussions as made above it can be culled out that to hold someone liable for abetment of suicide, there must be clear evidence of intentional instigation or encouragement that directly leads to the act of suicide.

In view of the gravity of the allegations and the material placed on record, the present petition merits dismissal. The involvement of the petitioner/accused in the alleged offence is *prima facie* substantiated by CCTV footage and the enquiry report of the Principal, both of which indicate a consistent pattern of misbehaviour and harassment. The petitioner is alleged to have physically assaulted and misbehaved with the deceased in the office premises, in the presence of other individuals, reflecting a serious and disturbing incident which could have possibly had an adverse effect on the deceased, warranting comprehensive investigation. The CCTV footage, coupled with the findings of the enquiry, provides sufficient *prima facie* evidence in support of the



allegations. In these circumstances, the custodial interrogation of the petitioner is essential for an effective and thorough investigation.

5. **Decision**

Keeping in view the aforementioned facts and circumstances and nature of averments, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

However it is made clear that the observations of this court shall have no bearing in the mind of the trial court while adjudicating the trial upon the matter in accordance with law.

22.07.2025
anuradha (a)

(SANDEEP MOUDGIL)
JUDGE

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