



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

CRA-S-1992-2025

Date of Decision:20.08.2025

Deepak Kumar

...Appellant

Vs.

State of Haryana and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Dinesh Arora, Advocate
for the appellant.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

Mr. Saajan Singla, Advocate
for the respondent No.2.

N.S.Shekhawat J. (Oral)

1. The present appeal has been filed before this Court against the impugned order dated 16.06.2025 passed by the Court of Additional Sessions Judge, Sonapat, whereby, the anticipatory bail petition filed by the appellant was ordered to be dismissed.

2. While granting the concession of interim anticipatory bail by this Court on 24.06.2025, the following contentions were noticed by this Court and the same has been reproduced below:-

“Inter alia contends that in the present case, even as per the FIR, the case of the prosecution is that the deceased had borrowed an amount of Rs.15,000/- from the present appellant and the appellant was asking for money regarding the same and was harassing him and was giving threats. It is submitted that there are no allegations levelled against the appellant that the appellant had instigated the deceased to commit suicide. It is further submitted that asking for the return of the amount advanced by a person can

not even remotely be construed as instigation to the deceased to commit suicide and thus, does not come within the meaning of "abetment" so as to constitute the offence. In support of his arguments, learned counsel for the appellant has relied upon the judgment passed by the Hon'ble Supreme Court in case titled as Mahendra Awase Vs. State of Madhya Pradesh reported as 2025(4) SCC 801 and has submitted that in the said case, although there was a suicide note which blamed the appellant therein for deceased having committed suicide but the Hon'ble Supreme Court, after considering the entire law, observed that there was no ground to even frame charges. Paras 16 and 19 of the said judgment, which has been highlighted by learned counsel for the appellant, are reproduced herein below:-

xxx xxx

16. In order to bring a case within the purview of Section 306IPC 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 an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306IPC.

Xxx xxx

19. Applying the above principle to the facts of the present case, we are convinced that there are no grounds to frame charges under Section 306IPC against the appellant. This is so even if we take the prosecution's case on a demurrer and at its highest. A reading of the suicide note reveals that the appellant was asking the deceased to repay the loan guaranteed by the deceased and advanced to Ritesh Malakar. It could not be said that the appellant by performing his duty of realising outstanding loans at the behest of his employer can be said to have instigated the deceased to commit suicide. Equally so, with the transcripts, including the portions emphasised hereinabove. Even taken literally, it could not be said

that the appellant intended to instigate the commission of suicide. It could certainly not be said that the appellant by his acts created circumstances which left the deceased with no other option except to commit suicide. Viewed from the armchair of the appellant, the exchanges with the deceased, albeit heated, are not with intent to leave the deceased with no other option but to commit suicide. This is the conclusion we draw taking a realistic approach, keeping the context and the situation in mind. Strangely, the FIR has also been lodged after a delay of two months and twenty days.

Xxxxx

It is submitted that since prima facie, no offence has been committed by the appellant thus, question of invoking Section 3(2) (v) of the the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 would not arise.

3. Learned counsel for the appellant has reiterated the submissions and further submits that in compliance of the order dated 24.06.2025 passed by a Co-ordinate Bench of this Court, the appellant has joined the investigation.

4. Learned State counsel also submits that the appellant has joined the investigation and is no longer required for further investigation.

5. On the other hand learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the appellant.

6. In view of the above statement made by learned counsel for the parties, the interim order dated 24.06.2025 is made absolute. The appellant shall continue to join the investigation, as and when called by the Investigating Officer.

(N.S.SHEKHAWAT)
JUDGE

20.08.2025

hitesh

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No