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

(103)

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Date of Decision:- 01.09.2025

Vansh Arora

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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

Mr. Amandeep Singh Samra, AAG, Punjab.

Mr. Sangram Singh Saron, Advocate with  
Mr. M.B. Rajwade, Advocate for the complainant.

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**ALOK JAIN, J. (Oral)**

1. The present petition has been filed under Section 482 of the BNSS, 2023 seeking grant of anticipatory bail to the petitioner in case FIR No.148 dated 16.07.2025 (Annexure P-1), registered at Police Station City Nawashahar, District SBS Nagar, for offence punishable under Section 108 of the Bharatiya Nyaya Sanhita (BNS), 2023.

2. The brief facts of the case as narrated by counsel for the petitioner which led to the filing of the present petition are as under:

2.1 The complainant is a widow having two daughters, elder one is residing abroad, and younger one who was 16 years and 11 months old, had committed suicide on 04.07.2025. The inquest proceedings were conducted on the said date and the statement of the complainant (Annexure R-1) did not record any offence. However, subsequently, on 16.07.2025, after a passage of 12 days, the complainant again approached the authorities as she



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found certain cogent evidences in the shape of suicide note and the authorities after considering the supplementary statement recorded on 16.07.2025, this turn of event, whereby, a suicide note was discovered led to the lodging of the present FIR under Section 108 of BNS, 2023 against the petitioner as well as two other co-accused.

2.2 It was further stated by the complainant in the FIR that the alleged suicide note was signed by her deceased daughter and the complainant got the suicide note laminated. The petitioner being named in the said suicide note and being arrayed as an accused in the said FIR, apprehending arrest, sought the concession of anticipatory bail which was declined by the Additional Sessions Judge, SBS Nagar, vide order dated 21.07.2025, on the ground that the deceased/victim in her suicide note specifically alleges the continuous torture and threat by the petitioner, that left the deceased with no other option but to end her life, which suggest the positive role of the petitioner. The dismissal of the said application led to filing of the present petition.

3. Learned counsel for the petitioner has opened his arguments by submitting that the victim committed suicide on 04.07.2025 and, in the inquest proceedings undertaken by the Police on the same day, the statement of the mother of the deceased, who happens to be the complainant was duly recorded. The statement of the complainant recorded on 04.07.2025, relied upon by the counsel for the petitioner is reproduced as under :

xxxx                      xxxx                      xxxx

*“Stated that I am resident of the aforesaid address. I am teaching students at Ashan Nand School,*

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*Nawanshahr. My husband Raman Sareen has expired about 11 months ago. I have two daughters. My one daughter Muskan Sareen has gone abroad in Canada. My daughter Charvi who is 16 years old due to death of my husband Raman Sareen was under mental depression. Who today on 04.07.2025 at about 04:40 pm when I came back home, then my daughter Charvi Sareen has committed suicide by hanging with dupatta with the knob of almirah. To whom I with the help of my sister in law Pooja Soni taken down and brought her to Bedi Hospital, Nawanshahr where doctor declared my daughter Charvi Sareen as dead. This accident occurred due to my daughter's depression due to death of her father Raman Sareen. My daughter Charvi Sareen has died herself due to suicide. Nobody has negligence in this nor I want any legal proceeding against anyone. I have got written statement to you, read, heard and found to be correct.”*

4. Learned counsel for the petitioner has laid much emphasis to raise an argument that the complainant was aware that her daughter was under-depression on account of the demise of her father. Subsequently, after passage of almost 12 days, a suicide note has been brought by the complainant, which was already laminated, and on the strength of the said suicide note, the present FIR has been registered, thereby, entangling the petitioner. It is urged that the petitioner is a young boy of 18 years and was merely a friend of the deceased and as well as of other co-accused also and there is no cogent evidence of any immediate sudden provocation attributed to him. Even if assuming the suicide note to be genuine, its contents do not satisfy the ingredients of Section 108 of BNS, 2023.



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5. Learned counsel for the petitioner has submitted that the law on the issue of “abetment to suicide” is well settled by the Hon’ble Apex Court. Learned counsel relies upon the statement of the complainant recorded on 04.07.2025, wherein, she admits that the deceased was under depression. However, subsequently, in a statement recorded on 16.07.2025, complainant has built up a case of abetment to suicide *qua* the petitioner. Learned counsel has pointed out that, interestingly, the telephone of the deceased was handed over to police on 21.07.2025, but the record of its contents has neither been verified nor its veracity has been established till date.

6. Learned counsel for the petitioner has also raised an issue of delay in lodging the FIR and has also pointed out that the above-said mobile phone of deceased was taken in custody after a delay of 05 days from the date of lodging of FIR. He submits that the Authorities in an absolutely hush-up manner took another 10 days to send the mobile phone to FSL, that too, only when the status report was specifically called by this Court on 29.07.2025, however, the status report was submitted on 02.08.2025, after a substantial delay, which raises a genuine apprehension of tampering with the data of the mobile phone, more so, the counsel has also raised the issue on the fact that the alleged suicide note has been laminated, which would not be amenable to comparison by the FSL Authorities, thus undermines the credibility of the document.

7. Learned counsel for the petitioner has built up his arguments and submitted that before invoking the provisions of Section 108 of BNS, 2023 (Section 306 of IPC) the essential ingredients of *mens rea qua* the accused has to be clearly established. The prosecution agencies cannot



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mechanically invoke such a serious provision merely on the basis of a subsequent statement or a document. It has to be seen that whether the *mens rea* of the proposed accused was there to push the deceased to such an extent where the accused wishes that the deceased ends her life. The mental level element attributable to the deceased before taking such step cannot be looked into. Learned counsel for the petitioner has vehemently relied upon the judgment passed by the Hon'ble Apex Court in the case of "***Mahendra Awase Vs. State of Madhya Pradesh***" 2025(4) SCC 801, and relevant paragraph is reproduced as under:

*"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.*

*This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC [Now Section 108 read with Section 45 of the Bharatiya Nyaya Sanhita, 2023] to be attracted. They however seem to have followed more in the breach. Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not*



*divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306.”*

8. Learned counsel for the petitioner continued with the submission that the Courts have to exercise great caution and circumspection and should not adopt a ‘*play it safe syndrome*’ by mechanically framing the charges. The *mens rea* has to be viewed from the angle of the accused as to *whether it was his intention to commit the act and conduct, which led the deceased to take such an extreme step?* Learned counsel for the petitioner has also relied upon the judgment passed by the Hon’ble Apex Court in the case titled as “***Prabhu Vs. The State and another***” 2024 SCC Online SC 137, to submit that merely broken relationship and heart breaks or refusal to get marry between two young adolescences shall not fall within the parameters of any intention to abet the suicide. The relevant extract is reproduced as under:

*“10. On a perusal of the above, and relying upon this Court's previous judgments discussing the elements of Section 306 IPC, the following principles emerge:*

*10.1 Where the words uttered are casual in nature and which are often employed in the heat of the moment*



*between quarrelling people, and nothing serious is expected to follow from the same, the same would not amount to abetment of suicide. [Swami Prahaladdas v. State of M.P 1995 Supp. (3) SCC 438, Paragraph 3; Sanju v. State of M.P (2002) 5 SCC 371, Paragraph 12]*

*10.2 In order to constitute 'instigation', it must be shown that 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. The words uttered by the accused must be suggestive of the consequence [Ramesh Kumar v. State of Chhatisgarh (2001) 9 SCC 618, Paragraph 20]*

*10.3 Different individuals in the same situation react and behave differently because of the personal meaning they add to each event, thus accounting for individual vulnerability to suicide. [Chitresh Kumar Chopra v. State (Government of NCT of Delhi) (2009) 16 SCC 605, Paragraph 20]*

*10.4 There must be direct or indirect acts of incitement to the commission of suicide. The accused must be shown to have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide [Amalendu Pal v. State of West Bengal (2010) 1 SCC 707, Paragraph 12-14]*

*10.5 The accused must have intended or known that the deceased would commit suicide because of his actions or omissions [Madan Mohan Singh v. State of Gujarat (2010) 8 SCC 628]*

*11. Applying the above yardstick to the facts of the present case in question, even if we take the case as a whole and test the prosecution case on a demurrer, it*



*could not be said that the actions of the accused instigated Kousalya to take her life or that he conspired with others to ensure that the person committed suicide or any act of the appellant or omission instigated the deceased resulting in the suicide.*

*12. Broken relationships and heart breaks are part of everyday life. It could not be said that the appellant by breaking up the relationship with Kousalya and by advising her to marry in accordance with the advice of her parents, as he himself was doing, had intended to abet the suicide of Kousalya. Hence the offence under Section 306 is not made out.”*

9. Learned counsel for the petitioner has also relied upon the judgment passed by the Hon’ble Apex Court in the case of “***Abhinav Mohan Delkar Vs. State of Maharashtra and others***” 2025(3) RCR (Criminal) 871, wherein a seven times Member of Parliament committed suicide leaving behind a suicide note naming various persons from the administration and police who according to his own whims and fancies had conspired to defame him, degrade him and demean him. The Hon’ble Apex Court in the said case adjudicated upon the question, which reads as under:

*“Whether every allegation or accusation levelled, a reprimand or rebuke made, an insinuation or insult voiced or even continuous acts of ill-treatment, harassment and defamation; as alleged in this case, would lead to a charge of abetment, if the person at the receiving end commits suicide, is a vexed question the Courts are called upon to decide when a charge is raised under Section 306 of the Indian Penal Code, 1860 (IPC). Despite a wealth of precedents, the police still have not come to terms with what constitutes an abetment as envisaged under Section 306 read with*



*Section 107 of the IPC, now Sections 108 & 45 of the Bharatiya Nyaya Sanhita, 2023 ('BNS'); in pari materia. On a complaint raised, FIRs are registered, investigation carried out and for reason of abject ignorance or on tainted instigation or at times deliberate design, the alleged perpetrator is even taken into custody without examining the existence of mens rea."*

10. Learned counsel for the petitioner has submitted that there is no uniformity in how an individual would react or respond to an emotional pressure but merely because the deceased did not have a strong heart or could not comprehend the emotional pressure and took such an extreme step, would not amount to abetment to suicide. Learned counsel for the petitioner further submits that the *mens rea* for causing that abetment which has pushed the deceased to take an extreme step should be crystal clear for which he submits through an example i.e. in a matrimonial dispute where the wife threatens the husband that she will commit suicide and the husband instead of defusing the situation hands over a bottle of petrol and matchstick would demonstrate that the husband had the *mens rea* to provoke the wife to take the extreme step of ending her life. However, in the present case, the allegations or the suicide note demonstrates that the petitioner is accused of breaking the relationship of the deceased with one of his friends. Such conduct, by no stretch of imagination establishes any deliberate intention to drive the deceased to end her life. In fact, as regards to the phone calls for a duration of 14 to 24 minutes and various missed calls exchanged between the petitioner and the deceased on the night before the said incident took place cannot be ruled out, for having been made by the petitioner with the object of defusing the tension between his friend and

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the deceased. Although, if this theory is on a very high pedestal, the fact of the matter remains that the deceased did not take the extreme step immediately, as the deceased committed suicide on the next day in the afternoon after passage of almost 16 hours. This time gap itself, belies the theory of immediate provocation. Even, presuming for the sake of arguments that the suicide note and the note in the mobile to be genuine & admissible, their evidentiary value has to be tested in trial, and at this stage, the same cannot be the reason to justify the denial of anticipatory bail to the petitioner.

11. Learned counsel for the petitioner further submits that even if it is assumed that the petitioner had made some adverse remarks about the deceased to his friend, which might have caused a discord in their relationship, the same was only in the nature of advise given to his friend with whom the deceased was in a relationship but the same was without any intention to drive the deceased to commit suicide and hence, by no stretch of imagination, the *mens rea* could be established *qua* the accused.

12. Lastly, learned counsel for the petitioner relies upon various other judgments to support his contention which are as under:

- ♦ *Neetu Devgon Vs. State of Punjab, 2025:PHHC:103136, in CRM-M-38819-2025 decided on 22.07.2025.*
- ♦ *Harbhajan Sandhu Vs. State of Punjab and another, 2022(2) RCR (Criminal) 317*
- ♦ *Vaibhav Vs. State of Maharashtra, 2025(1) Bom CR (Cri)*



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13. *Per contra*, learned counsel for the complainant submits that the deceased was an extremely intelligent girl who had cleared her matriculation examination by scoring 95% marks and was coerced to such an extent by the petitioner that she was left with no other choice but to end her life. Learned counsel submits that on the intervening night of 03/04.07.2025, there were seven missed calls from the petitioner to the deceased and there was a call, which lasted for 24 minutes. He submits that the wordings in the suicide note clearly demonstrates that the petitioner had been instrumental in provoking and instigating directly and indirectly, the deceased to end her life. He further submits that the wordings of the suicide note clearly record that the petitioner had threatened the deceased of ruining her life and killing her. Therefore, the petitioner does not deserve any concession of anticipatory bail. He submits that the matter needs thorough investigation and any relief to the petitioner will adversely hamper the entire investigation.

14. Learned counsel for complainant submits that, so far as the delay in lodging the FIR is concerned, it must be considered that the complainant lost her husband few months back and before she could recover from the said loss, she had to face this incident. The mental and the emotional turmoil she must have been experiencing cannot be overlooked. The complainant who is a teacher by profession, and a few days later to the incident, while she was sorting all the belonging of a deceased-daughter, found the suicide note. Learned counsel for the complainant has relied upon the judgment passed by the Hon'ble Court in the case of "***Baldev Singh @ Baba Vs. State of Punjab***" in CRM-M-36747-2021 decided on



**07.09.2021**, with regard to delay in lodging the FIR and held para 10 which reads as under:

*“The argument raised by the learned Senior Counsel for the petitioner that there was delay in lodging of the present FIR cannot be sustained in view of the fact that at the time of death of Balwinder Singh the complainant Jaspal Kaur was stated to be in shock and later on a suicide note of Balwinder Singh was found and a complaint was given on 17.06.2021 to various authorities including National Human Rights Commission, Punjab State Human Rights Commission, DGP, Punjab and many others. Furthermore, the chain of events as well as the contents of the suicide note would suggest that there are allegations that the police was also allegedly helping the petitioner in the earlier case. Therefore, delay in lodging of FIR cannot become a ground for grant of bail in the facts and circumstances of the present case.”*

15. As regard the arguments raised by the petitioner that the suicide note has been laminated and would not be available for comparison and examination by the forensic authorities, learned counsel for the complainant has submitted that the said argument does not hold any good as the complainant is not a legally trained mind, she got the same laminated and produced the same before the authorities, who, after examining the entire matrix have proceeded with the appropriate legal action. Learned counsel has clarified by submitting that lamination of suicide note was done to preserve the document, which does not cast any doubt on its genuineness. He submits that the technology has improved and a document which is laminated can also be compared. In support of this contention the



learned counsel relies upon the judgment of Hon'ble Gujarat High Court in the case of "*Minubhai Darbasha @ Dali Patel v. Freniben*" [2023 NCGUJHC 41037], wherein it was observed by the court as under:

*"9. Having heard the learned counsel for the respective parties and on perusal of the impugned order, this Court is of the considered view that the Court below has not committed any jurisdictional error or error of law while, rejecting the application Ex.287. The reasons are as follows:*

xxxx                      xxx                      xxx

*(4) The apprehension expressed that, laminated document would not express the correct and accurate result of the examination. The document examiner of the FSL, Gandhinagar despite of the laminated copy, had opined and issued its opinion for twice. Thus, if the document examiner have had any doubt about the accuracy and correctness of the laminated copy, then, he could have mentioned in its reports. Thus, non-mentioning of this aspect in reports would indicative of the fact that, the FSL Laboratory is well equipped and they can opine even in case of laminated document. However, as discussed above, it is still open for the petitioners to summon the document examiner for the necessary clarification about the issue of accuracy and correctness and it is the only way to resolve the issue."*

16.            Learned counsel for the respondent-complainant submits that the *abetment of suicide* is set out under Section 108 of BNS, however, the counsel vehemently placed emphasis on Section 45 of BNS, which explains and defines abetment of a thing. Section 108 of the BNS and Section 45 of



the BNS, particularly Explanation II thereof, relied upon by the counsel, are reproduced as follows:

*“S.108 Abetment of 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.*

*S. 45 Abetment of a thing: A person abets the doing of a thing, who: instigates any person to do that thing; or 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 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.*

*Illustration: A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.*

*Explanation 2: Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”*



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17. Learned counsel for the respondent-complainant submits that *de hors* the above arguments the fact of the matter remains that the petitioner has been instrumental in the said incident, and, the present matter requires a thorough investigation, which can only be completed through custodial interrogation of the accused. He submits that such custodial interrogation would reveal the entire actual and factual matrix, however, at this stage, where the preliminary investigation is still at threshold, any concession granted to the petitioner would be extremely harmful for unveiling the truth.

18. Learned counsel for the complainant has submitted that the judgment referred by the petitioner would not come to his rescue as the case of *Abhinav Mohan Delkar* (supra) was that of a person who was a seven times Member of Parliament and was matured enough to have taken the pressure, whereas, in the present case, the deceased was a young girl of 16 years and 11 months and the level of maturity or sensitivity are altogether different. Learned counsel further submits that so far as the other judgment that in the case of *Prabhu* (supra) relied upon by the counsel for the petitioner is concerned, the same was arising out of a fall out of a physical relationship which could not be converted into solemnization of marriage and hence, the proposition of law laid therein need not be considered.

19. Learned State counsel has adopted the arguments made by the counsel for the complainant, however, in addition to the above, submits that the investigation is at a preliminary stage and the custodial interrogation of the petitioner would be of extreme importance to find out as to all this pressure which was being built up upon the deceased was being done since when and how. He submits that the allegations made by the victim-



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deceased against the petitioner and other co-accused in the suicide note are precise, clear and are not mere harassment but include threat to kill. The proximity of the last communication with the petitioner and the deceased-victim is yet to be ascertained. Therefore, for the purpose of proper fair and transparent investigation, the custodial interrogation of the petitioner will be of extreme importance.

19.1 Learned State counsel assisted by the counsel for the complainant have also submitted that the investigation needs to be done thoroughly and there are various angles which needs to be investigated with precession to bring out the truth, for example, the last call made between the petitioner and the deceased as per the telephone record of the deceased was at midnight of 03/04.07.2025 and 04.07.2025 was a working day and is not forth coming as to whether the deceased had gone to the school or not and what transpired during that day. The argument raised by the counsel for the petitioner that the *mens rea* has to be seen from the armchair of the proposed accused seems to be plausible and therefore, this Court does not touch the contents of the suicide note and the note allegedly recovered from the mobile of deceased at this stage.

20. Heard learned counsel for the parties and considered the matter at length.

21. There is no dispute in the factual matrix with regard to the dates of the events. However, at this stage, it would be relevant to reproduce the statement of the complainant recorded on 04.07.2025, which reads as under:

xxxx                      xxxx                      xxxx

*“Stated that I am resident of the aforesaid address. I am teaching students at Ashan Nand School,*



*Nawanshahr. My husband Raman Sareen has expired about 11 months ago. I have two daughters. My one daughter Muskan Sareen has gone abroad in Canada. My daughter Charvi who is 16 years old due to death of my husband Raman Sareen was under mental depression. Who today on 04.07.2025 at about 04:40 pm when I came back home, then my daughter Charvi Sareen has committed suicide by hanging with dupatta with the knob of almirah. To whom I with the help of my sister in law Pooja Soni taken down and brought her to Bedi Hospital, Nawanshahr where doctor declared my daughter Charvi Sareen as dead. This accident occurred due to my daughter's depression due to death of her father Raman Sareen. My daughter Charvi Sareen has died herself due to suicide. Nobody has negligence in this nor I want any legal proceeding against anyone. I have got written statement to you, read, heard and found to be correct.”*

21.2 Subsequently, the statement recorded on 16.07.2025, reads as under:

xxxx                      xxxx                      xxxx

*“Stated that I am resident of the aforesaid address. I am posted as teacher in Dr. Asha Nand School, Rahon Road, Nawanshahr. My husband Rama Kumar Sareen has died. I have two daughters, elder daughter Muskan, aged about 27 years resides abroad in Canada. My younger daughter Charvi whose date of birth was 13.08.2008 and she was of 16 years 11 months, who was minor. On 04.07.2025 my younger daughter Charvi had committed suicide by hanging with the knob of fixed almirah in her room. On which we had informed the Police Station City Nawanshahr. The Proceedings were undertaken on the basis of my statement and the postmortem of my daughter got*



conducted at Civil Hospital, Nawanshahr. Because at that time I had not found any such evidence from the spot from which I could have got undertaken proceedings against anyone. My daughter Charvi was an intelligent Child, who had passed 10th Class by obtaining 95% marks in the CBSE Board Exam, who cannot commit suicide without any reason. Now when I have come out of shock of my daughter's death a little then I had checked the things lying in my daughter's room, when I found a suicide note out of my daughter's book kept in the room. The words of this suicide note are in English, the but the language is written in Punjab, in which my daughter Charvi has written **that, "Mummy mainu maaf kar deo main hun thak gayi haan bina matlab da torture she-sehke. Main kise nu kujh nahi keh rahi mumma phir vi eh tinnon main torture kare jaa rahe han. Mummy Vansh mainu dhamkiyan de reha ha ke tainu barbad kar dena je kujh kita tainu aapni car nal uda dena. Gurleen ne odan him mera sab kujh barbad kar ditta par hun vi eh dono nahi hat rahe te Shiva nu mere khilaaf bhadkai ja rahe han te mainu saarean agge buri banai ja rahe han main kujh vi nahin keta hun mere ton nahin seh ho reha. Main bahut koshish kiti ki strong ban ke sehlavan par main haar gayi. Main mummy, mera pyar mera Shiva meri ijat sab lai gaye Gurleen te Vansh. Main nahi jeona hun mummy hor Shiva di nafrat sehke main us nu bahut pyar kardi haan. Ho sake taan Gurleen te Vansh nu maaf na kareyo mummy sorry ki main tuhanu kujh nahin keh paayi ke eh mainu maaran te barbaad karan diyan dhamkiyan dende ne. Tuseen dhiyan rakhna aapna."** After writing this suicide note my daughter Charvi has affixed her signatures in English, suicide note one page which I have got laminated, I am presenting to you. In the



*suicide note handwritten by my daughter Chavi she has stated Shiva, Vansh and Gurleen to be responsible for her death. Whose original names are Shiva S/o Suraj Sudhera C/o Romesh Jewelers, Gita Bhawan Road, Nawanshahr, Vansh S/o Vishal Arora C/o Madras Handloom, Gita Bhawan Road, Nawanshahr and Gurleen D/o Meena R/o Vikas Nagar, Salon Road, Nawanshahr. All three of them only have forced my daughter Charvi to die. On being upset from them only my daughter Charvi has committed suicide by hanging on 04.07.2025. Appropriate legal action may be taken against all three of them. I have got written to you, read, heard and found to be correct.”*

21.3 A perusal of both the statements clearly demonstrates that the complainant has approached the authorities immediately as and when the turn of events took place.

22. The arguments raised by the petitioner are that the *mens rea* of the proposed accused has to be judged from the view and angle of the accused and is not to be taken from the angle of the deceased. In furtherance to this contention, it has been argued that in case, there is an alternative remedy available to the deceased and instead of availing the said remedy, the deceased took such an extreme step then the same would not amount to *mens rea qua* the accused. For example, if a person commits suicide on a ground that the proposed accused was not repaying his money, there is no *mens rea* of the accused, as the deceased-person had the right to file an appropriate suit for recovery or other remedies for recovery of his dues. Learned counsel for the petitioner submits that the entire episode has to be viewed from the armchair of the proposed accused and one has to take the realistic approach. Much stress has been laid by the petitioner relying



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upon various judgments that for a conviction under Section 108 of BNS (Section 306 of IPC) the *mens rea* is a most important essential and in the present case, the same was missing. In the absence of any *mens rea*, it is settled principle of law that the offence cannot be made out much less any conviction.

23. After considering the various judgments referred by the counsel for the petitioner on the said issue that the *mens rea* of the accused has to be clear with cogent corroborative evidence need not be gone into at this stage. I am of the opinion that the Court should refrain itself from returning any finding with regard to the *mens rea* of the accused. At this stage, to decide as to whether the petitioner is entitled to the concession of anticipatory bail or not, any finding or observation on the *mens rea* of the accused, this way or that way, would amount to transgressing into the investigation, which is at a preliminary stage. As per the *prima facie* record, the petitioner was in close proximity with the deceased. It is yet to be ascertained with regard to his role, act and conduct which cannot be ascertained at this stage.

24. The Court is conscious of the fact as emphasized by the counsel for the petitioner that the petitioner is a young boy of 18 years and his life and liberty should not be put to peril, when the investigation in the present case essentially requires the examination of digital record. Moreso, the counsel for the petitioner specifically submits that the petitioner is ready to provide all his digital equipment including mobile phone, laptop, I-pad etc. and would also share his social platform identities and passwords and undertook to cooperate in the investigation, which shows willingness of the petitioner to cooperate with the investigation and dispels the necessity of



custodial interrogation. While the counsel for the petitioner laid much emphasis on the formative stage of the petitioner and custodial interrogation is unwarranted, but at the same time it cannot be ignored that merely because the custodial interrogation is not required, that cannot be a ground to grant the concession of anticipatory bail, as has also held by the Hon'ble Apex Court in the case of "*Sumitha Pradeep Vs. Arun Kumar C.K. and another*", in *Criminal Appeal No. 1834 of 2022*, has been held as under:

*"Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*

*We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside.*

*In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other*



*grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”*

25. At this preliminary stage, when the investigation is at the threshold and a human life has been lost on account of serious allegations levelled against the petitioner when weighed with the fundamental right of petitioner to protect his life and liberty and being a young boy of 18 years is to be seen, the parameters for deciding as to whether the accused is entitled to grant the concession of anticipatory bail or not have to be seen and the same have been reiterated by the Hon’ble Apex Court in the case of **“Jameel Ahmad v. Mohammed Umair Mohammad Haroon” [2022(3) RCR(Criminal) 359]** and broadly the same are reproduced as under:

*“9. The argument raised by the learned counsel for the first respondent that the Court had exercised discretion and this Court should not set aside the order granting bail, does not find favour with us. Though the first respondent at the relevant time was studying engineering, we cannot forget and have taken into consideration the gravity and nature of the offence*



which has led to loss of a life. **Ram Govind Upadhyay v. Sudarshan Singh, 2002 (3) SCC 598** sets out the relevant considerations for exercise of discretion, albeit, illustrative and not exhaustive, in the following words:

"4. ... (a) While granting bail the court has to keep in mind not only the nature of the accusations, but the severity of the punishment, if the accusation entails a conviction and the nature of evidence in support of the accusations.

(b) Reasonable apprehensions of the witnesses being tampered with or the apprehension of there being a threat for the complainant should also weigh with the court in the matter of grant of bail.

(c) While it is not expected to have the entire evidence establishing the guilt of the accused beyond reasonable doubt but there ought always to be a prima facie satisfaction of the court in support of the charge.

(d) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail, and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail."

10. **Mahipal v. Rajesh Kumar alias Polia and Anr, 2020 (2) SCC 118**, while accepting that the release of bail touches upon the liberty of an individual, observes, that the Supreme Court can interfere when the discretion exercised to grant bail is without due application of mind or in contravention to the directions and principles to be applied for the grant of bail. The Court, amongst others, must consider the prima facie



*view of whether the accused has committed the offence, nature of the offence, gravity, likelihood of the accused obstructing in any manner or evading the process of justice. Grant of bail draws an appropriate balance between public interest in the administration of justice and protection of individual liberty in a criminal case. The prima facie examination is on the basis of analysis of the record, and should not be confused with examination in detail of the evidence on record to come to a conclusive finding.”*

26. It goes without saying that the alleged offence of “*abetment of suicide*” is grave in nature. Hence, while it is extremely important to protect the personal liberty of a person, it is equally incumbent upon us to analyze the seriousness of the offence and determine if there is a need for custodial interrogation.

27. It is settled principle of law that the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made. More so, the accusation has also to be seen only to the extent as to what is the gravity of the offence.

28. In “*Sushila Aggarwal v. State (NCT of Delhi)*” (2018) 7 SCC 731, the Constitution Bench held that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

29. Further, in the case of “*Pratibha Manchanda and another Vs. State of Haryana and another*” (2023) INSC 612, the Hon’ble Supreme Court has reiterated the established principles:



19 *“The relief of Anticipatory Bail is aimed at safeguarding individual rights. While it serves as a crucial tool to prevent the misuse of the power of arrest and protects innocent individuals from harassment, it also presents challenges in maintaining a delicate balance between individual rights and the interests of justice. The tight rope we must walk lies in striking a balance between safeguarding individual rights and protecting public interest. While the right to liberty and presumption of innocence are vital, the court must also consider the gravity of the offence, the impact on society, and the need for a fair and free investigation. The court's discretion in weighing these interests in the facts and circumstances of each individual case becomes crucial to ensure a just outcome.”*

30. In view of the settled principle of law that, at the stage of granting the anticipatory bail, it is important to consider the gravity of offence, *prima facie* evidence available, on the basis of which the accused has been nominated and the role played by the petitioner.

31. In furtherance to above settled proposition of law, it is also important to read the provisions of Sections 108 along with 45 of BNS, 2023 and the same need to be reiterated at this stage, which reads as under:

**“S.108 Abetment of 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.*

**S. 45 Abetment of a thing:** *A person abets the doing of a thing, who: instigates any person to do that thing; or 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 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.*

*Illustration: A, a public officer, is authorised by a warrant from a Court to apprehend Z. B, knowing that fact and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.*

***Explanation 2: Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”***

32. Now, considering the facts of the present case along with the settled preposition of law and the provision of law, the first and foremost thing to analyze, is the nature of allegations against the petitioner, for the purpose of which the content of the suicide note though written in English, but phonetically represents Punjabi is reproduced as under:

*"Mummy mainu maaf kar deo main hun thak gayi haan bina matlab da torture seh-sehke. Main kise nu kujh nahin keh rahi Mumma phir vi eh tinnon main torture kare jaa rahe han. Mummy Vansh mainu dhamkiyan de reha hai ke tainu barbaad kar dena je kujh keta tainu aapni car naal 'uda dena. Gurleen ne*



*odan hi mera sab kujh barbaad kar ditte par hun vi eh dono nahin hat rahe te Shiva nu mere khilaaf bhadkai ja rahe han te mainu saareyana agey buri banai jaa rahe han main kujh vi nahin keta hun mere toh nahin seh ho reha. Main bahut koshish keeti ki strong ban ke seh-lavan par main haar gayi. Main Mummy, mera pyar mera Shiva meri ijat sab lai gaye Gurleen te Vansh. Main nahin jeona hun mummy hor Shiva di nafrat sehke main us nu bahut pyar kardi haan. Ho sake taan Gurleen te Vansh nu maaf na kareyo mummy sorry ki main tuhanu kujh nahin keh paayi ke eh **mainu maaran te barbaad karan diyan dhamkiyan dende ne. Tuseen dhiyan rakhna aapna.**"*

33. After reading the content of the suicide note, *prima facie* there are serious allegations against the petitioner, moreover apart from suicide note there is also a phone call(s) record preceding the death of the deceased, which raises a suspicion to the involvement of the petitioner. Moreover, if the present case is considered in the light of the settled parameters even if for the sake of argument, it is considered that the investigation in the present case is mostly with regard to the examination of digital record, then also the same cannot outweigh the serious allegations against the petitioner. Moreover, it is not forthcoming that the complainant has any personal grudges with the petitioner or other accused, due to which they are falsely being implicated in the present matter.

34. At the same time, the Court cannot lose sight of the fact that a young life has been lost and the entire family has been put to face the said irreparable loss. The demise of the child is the biggest punishment for a parent. There is no bigger punishment than to carry one's own child's dead



body to the graveyard and that too, when the cause of said death has been duly recorded by the deceased before taking such an extreme step. Though it cannot be said to be a dying declaration but a suicide note has to be given some veracity of truth as the same is executed just before the extreme step was taken. The contents of the suicide note are to be read in totality to understand the intensity of the allegation levelled therein. Considering the broad parameters settled in various judgments by the Hon'ble Supreme Court, it has been held that the abetment involves a mental process of instigating a person or intentionally aiding a person in doing a thing. To bring a charge under Section 108 of BNS the act of abetment would require a positive act of instigating or intentionally aiding another person to commit suicide. The *mens rea* has to be seen from the armchair of the proposed accused which cannot be reflected from a single action but it has to be seen from the multiple actions one after the another which left the deceased with no other option but to take such an extreme step and the same here can only be dwelled upon by going through the contents of the suicide note. Admittedly, in the present case, the petitioner was in direct contact with the deceased. It is not a case that, the petitioner was only in communication with the other co-accused but was in communication with the deceased as well. The allegations in the suicide note at this stage *per se* demonstrates that some role has been attributed to the petitioner, the suicide note continuously records the actions of the petitioner and much less a specific allegation that the petitioner wishes to kill and destroy the deceased.

35. Moreover, so far as the argument of difficulty in determining the authenticity and the genuineness of the suicide note is concerned then the same is inconsequential. As with the advanced technology it is possible

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to determine the same and needless to mention that at such an initial stage, it is irrelevant to resort or appreciate the evidences when the *prima facie* availability of record is to be considered.

36. In view of the above, considering the facts, circumstances and the arguments advanced at this stage, while arriving the balance between the administration of justice and the protection of individual rights, the administration of justice weigh heavily and would be met by not granting the concession of anticipatory bail. Accordingly, the present petition stands dismissed.

37. It is made clear that any emphasis made on the evidence by this Court at this stage and the findings returned in the present judgment is only for the purpose of deciding the anticipatory bail and shall not be considered by the trial Court, as an expression of opinion or view, in any manner, at any stage of trial and would not be prejudicial to the interest of any party.

**(ALOK JAIN)**  
**JUDGE**

**September 01, 2025**

Parul

Whether speaking/reasoned:-	Yes
Whether Reportable:-	Yes