



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

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**CRM-M No.51533 of 2025
Date of decision : 19.9.2025**

Surinder Gupta

.....Petitioner

Versus**State of Punjab**

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aman Bahri, Advocate and
Mr. Shubham Pathania, Advocate, for the petitioner

Mr. Gaurav Gurcharan S. Rai, Senior DAG, Punjab

Mr. Vikram Anand, Advocate and
Mr. Akshit Goel, Advocate, for the complainant

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.69 dated 17.5.2025, under Sections 108 read with Section 3(5) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station A-Division, Amritsar.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Rohit Gupta @ Bishu son of Late Kishan Lal Gupta, resident of House NO.825, Janipur Colony Main road, Jammu, age about 35 years (Mobile No.97971-71990). Stated that I am resident of the above mentioned address and I work as a Tour Travel Agent. To expand my business, I had taken an Innova car on installment which after that I



needed the money at home. So I took Rs.16.00 lakhs from Surinder Gupta on interest who lives in our colony and works as a Finance Officer. As security, he had taken a total 04 blank cheques from me and he had also taken the Innova car from me and kept it with him and started plying our said Innova car. I have paid about Rs.39.00 lakhs to Surinder Gupta till now and to pay the remaining amount, he took his other goons alongwith him went to our house and my father's bakery and forced us to pay all the money by threatening and harassing us. Apart from this, in 2023, I had taken Rs.19.00 lacs from Balram Financer, resident of Ban-Talab Jammu which I have been giving to Surinder Gupta as interest of Rs.3,70,000/- per month but even now the amount remains at Rs.6.00 lakhs which Balram and Surinder Gupta have been have been harassing my parents and putting pressure on us every day to get their money due to which I and my father started living in tension and my father Kishan Lal also became a victim of Diabetes and blood pressure. Before we sold our house to pay back the money of Surinder Gupta and Balram Financer, my father gave the papers of the house to Babu resident of Rupnagar who works as a Property Dealer, in 2023, to complete the documents, as per the law of Jammu, but he took Rs.2.00 lakhs from us and did not give us the documents till date. My father often kept talking to me and my mother about what will happen to us. Babu used to demand more money from us and my father also used to get tension about Babu cheating us regarding the house. Due to pressure from Surinder Gupta, Balram and Babu, my father came to Amritsar on 16.05.2025, which is our common house, in which, my uncle's son Rohit son of Ashok Mahajan, resident of House No.1079, Street Kharasia Katra Bagya, Amritsar lives. He got fed up with the pressure of the said Surinder Gupta, Balram and Babu and committed suicide by hanging himself with the grill of the roof, about which, my uncle's son Manish told me that your father has committed suicide. Due to which, I have come to Amritsar today and I was coming to the police station to meet you where you met me. So it is requested that appropriate legal action be taken against the aforesaid accused. I got my statement recorded to you, heard, which is correct. Sd/- Rohit Gupta @ Bishu (Mobile No.97971-71990). Attested by Buta Singh, ASI Police station "A" Division, Amritsar, Dated: 17.05.2025.'

3. Learned counsel for the petitioner has argued that the petitioner



is in custody since 27.7.2025. Learned counsel has further argued that there was a money related dispute between the petitioner and the son of the deceased on account of which the deceased in question committed suicide. Learned counsel has argued that from the factual *milieu* of the case, offence under Section 108 of BNS (Section 306 of erstwhile IPC) is not made out. In this regard, learned counsel for the petitioner has placed reliance upon judgments of the Supreme Court in ***Mahendra Awase v. The State of Madhya Pradesh, SLP (Criminal) No.11868 of 2023*** decided on 17.1.2025 and ***Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)*** relevant whereof reads as under:

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide.....’

Learned counsel has further argued that the petitioner is a man with



clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 17.9.2025 in Court, which is taken on record.

4.1 Learned counsel for the complainant has put in appearance by filing his *vakalatnama*. The same be kept on record. He has argued that there are direct and serious allegations against the petitioner. Learned counsel has further submitted that in case the petitioner is enlarged on bail, there is all likelihood of the petitioner to abscond from the process of justice and to influence the prosecution witnesses. On these grounds, the bail plea of the petitioner has been opposed.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 27.7.2025 and is in continuous custody since then. Culmination of the investigation as also trial, in case the occasion so arises, will take its own time. The rival contention of learned counsel for the parties; as to whether offence under Section 108 of BNS is made out against the petitioner; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with



the prosecution evidence.

As per custody certificate dated 17.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 01 month and 19 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

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9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

19.9.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No