

Ravda is a teacher in a private school. On 11/02/2025 at about 07:00 P.M, I received information that my father Sanjeev Kumar has met with an accident in Ranjit Avenue and is admitted in Mud Hospital for treatment. At this, I and my family reached Mud Hospital B Block Ranjit Avenue immediately and I came to know that my father had jumped down from Best Western's upper floor, due to which he had sustained multiple injuries and he was admitted in Mud Hospital for treatment, where he has died. He had told me earlier that he owed huge money from Rakesh Nayyar resident of Dayanand Nagar, Lawrence Road, Amritsar, Amit Nanda @Vicky son of Ashok Nanda resident of F-07/558, Mata Kohla Marg, Kashmir Avenue, District Amritsar and Ramesh Arora resident of 72L, White Avenue, District Amritsar and other persons, with whom he had property business and they were not giving his money and were putting him off on one pretext or the other. Due to this reason, my father used to remain very much perturbed. These persons are responsible for death of my father. Appropriate legal action be initiated against these persons. I have got recorded my statement. I have heard the same, which is correct. Sd/- Rajat Ravda, Attested:- Major Singh ASI Police Station Ranjit Avenue, Amritsar. Date: 12/02/2025. Police Proceedings: Today I the ASI along with CT Sukhjinder Singh 517, 1/CT Gaganpal 730. L/CT Prabhjot Kaur 3924 was present at Police Station that complainant Rajat Ravda son of Late Rajeev Kumar resident of abovesaid address came present in police station and got recorded his statement. In connection with this occurrence, report No. 41 has been entered in roznamcha on 11/02/2025. The above said statement discloses the commission of an offence under section 108 BNS. Police proceedings have been recorded on original

statement and HC Tejinderpal Singh Head Munshi of Police Station is instructed to register case FIR and intimate the number thereof. Special reports be issued to Illaqa Magistrate and senior officers. Station House Officer of Police Station and Control Room be informed. I the ASI along with accompanying officials and complainant proceed to Civil Hospital Amritsar. Sd/-Major Singh ASI Police Station Ranjit Avenue Amritsar. Date: 12/02/2025. In area of Police Station Ranjit Avenue Amritsar at 11.50 P.M. Date: 12/02/2025." At the Police Station: At this time, on receipt of above said statement at police station, aforesaid case FIR has been registered under above said sections. Original statement together with copy of FIR is being handed over to investigating officer for investigation. Special reports are being sent to Illaqa Magistrate and higher officers through CT Satnam Singh 3980"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner, has been falsely implicated in the present case as the same is registered on the basis of a written complaint moved by the complainant, namely Rajat Ravda, regarding the death of his father, namely Rajeev Kumar, who had committed the suicide by stating that petitioner and the co-accused owed certain money to the deceased on account of which he was distressed. He further submits that there is no suicide note or any instigation or abetment on the part of the petitioner to attract section 108 BNS and whole dispute revolves around financial dispute and until today no recovery suit has been filed by the complainant.

On behalf of the State and complainant

Learned State Counsel appearing on advance notice, and counsel for the complainant on instructions from the Investigating Officer, opposes the instant petition on the ground that the petitioner has been attributed specific role that he owed money to the deceased and he along with other co accused persons has made him to take this step of ending his life.

4. **Analysis**

Before proceeding further with the matter this court would delve into the question that “whether a person can be made liable for abetment of suicide where there is no instigation or any kind of proximity with the commissioning of the suicide and the accused person”?

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. Merely owing money to the deceased, even if it caused financial distress, does not automatically amount to abetment of suicide unless there is active incitement, coercion, or harassment compelling the deceased to take their own life.

To hold someone liable under Section 108 BNS , the prosecution must establish:

1. Mens Rea (Guilty Mind): The accused must have an intention to push the deceased to commit suicide.
2. Direct or Indirect Act of Instigation: There should be evidence that the accused’s actions or words instigated the deceased to commit suicide. The apex court in ***Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009 (16) SCC 605***, had an occasion to deal with this aspect of abetment. The court

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. Each person 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.

3. Proximity & Causal Link: A direct connection between the accused's acts and the suicide must be proved and there should be active incitement on the part of the accused. If the accused merely owed money to the deceased, it does not necessarily mean that they abetted the suicide. The Supreme Court has consistently held that mere financial stress, business losses, or debt recovery issues do not constitute abetment unless accompanied by coercion, threats, humiliation, or an intention to drive the deceased to suicide.

Be that as it may, after given a 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. Merely upsetting or irritating a person, especially one with frail mentality, is insufficient unless it can be proven that such actions were deliberate and left the victim with no other option but to end their life. Emotional conflicts or professional disputes alone are insufficient unless they

reach an extreme level of harassment or incitement.

Coming to merits of present case, there is no such act committed by the petitioners that made the deceased to end his life and where there is no suicide note left by the petitioner. Further individuals with weak or frail mental health may be more susceptible to external pressures. However, liability for abetment under Section 108 BNS, requires evidence of deliberate actions intended to provoke suicide.

A hypersensitive individual's response to normal emotional conflicts does not automatically impose criminal liability on others unless their actions were calculated to incite or compel suicide. The weak state of mind of the deceased who was not able to cope up with the financial losses being in business transaction with his other partners cannot be made as a ground to deny the concession of anticipatory bail to petitioner.

5. **Relief**

In the light of above, the petitioner is hereby directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of four weeks from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

“When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within four weeks, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands disposed off.

11.03.2025

Meenu

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*