

2025.PHHC:050046



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

**CRM-M-20517-2025
DECIDED ON: 16.04.2025**

GURPREET SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Gurnoor Singh Sethi, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNS, 2023 for grant of anticipatory bail to the petitioner in FIR No.25, dated 18.02.2025, under Section 108 of BNS, 2023, registered at Police Station Machhiwara, District Khanna.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Surinder Singh son of Bachan Singh son of Faggu Ram, resident of village Hedon Bet, Police Station Machhiwara Sahib, District Ludhiana, aged about 64 years, Mobile No. 95018-72168. Stated that I am a resident of the aforementioned address and work as a labourer. I have three sons. Jaswant Singh aged about 39 years, Gurjant Singh aged about 36 years, who are married and 1 Resham Singh is still single. Gurjant Singh lives separately and Jaswant Singh, Resham Singh and I live

together. Jaswant Singh drives a taxi in Machhiwara Sahib taxi stand. Neha Rani wife of Jaswant Singh was acquainted with Gurpreet Singh son of late Amarjit Singh, resident of village Hedon Bet, Police Station Machhiwara Sahib, District Ludhiana. The one who had also made an objectionable video of my daughter-in-law, who had shown the video to my son Jaswant Singh, since that day, they remained in tension and both of them would often engage in arguments. The said Gurpreet Singh and Inderjit Kumar alias Indi son of Ashok Kumar residents of village Hedon Bet went to the house of my son Jaswant Singh in the year 2023 and gave beatings and misbehaved with my daughter-in-law. Regarding which, my daughter-in-law had filed a case bearing No. 109 dated 20.08.2023 against Gurpreet Singh, Inderjit Kumar alias Indi son of Ashok Kumar, resident of Hedon Bet under Section 451, 354A, 323, 506,134 IPC at the Police Station Machhiwara Sahib, which is pending adjudication at Samrala. That Amrik Singh son of Harbans Singh, Gurpreet Singh, Narinder Singh, sons of late Amarjit Singh used to pressurize my son to withdraw the case that if you did not withdraw the case then we will make the video of your Neha viral. My son Jaswant Singh and daughter-in-law Neha Rani would remain very upset and would often tell me that we can no longer bear the humiliation. Yesterday on 17.02.2025, at around 09:00 PM, my younger son Gurjant Singh apprised me that Jaswant Singh's car is parked near the petrol pump Jalaha Majra canal. Till now, we have been looking for Jaswant Singh and my daughter-in-law Neha Rani, then today, the dead body of my daughter-in-law Neha Section 108 BNSS is made out, whereupon, the original statement is forwarded to the police station by hand of PHG Lal Chand No. 17889 for registration of case against Amrik Singh, Gurpreet Singh, Narinder Singh. Case number be notified after registration of case. Information be transmitted to DCR Khanna and special reports be issued. I ASI alongwith fellow officials as well as the complainant in the matter proceed

towards the place of 1 incident. Place Canal Bridge Garhi Tarkhana at 08:40 PM. Sd/- Karnail Singh, ASI, Police Station Machhiwara Sahib. Dated 18.02.2025. On the receipt of the statement in the police station today, case has been registered under the given offence against Amrik Singh, Gurpreet Singh, Narinder Singh. Special reports have been issued and are being forwarded in favour of Ilaqa Magistrate and senior officials by hand of CT Manpreet Singh 584/Khanna. After registration of case, the original statement alongwith copy of FIR is being referred to the Investigating Officer for investigation proceedings at the place of occurrence by hand of PHG messenger. DCR Khanna and senior officials have been notified.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, and there is an unexplained delay of four days in the lodging of the FIR. It is further submitted that the deceased, Neha Rani, had obtained a friendly loan of Rs. 1,50,000/- from the petitioner and, in discharge of her liability, had issued a cheque bearing No. 066968 dated 31.05.2023. However, the said cheque was dishonoured upon presentation by the petitioner with his banker. Consequently, the petitioner, through counsel, issued a legal notice dated 11.08.2023 to the deceased, calling upon her to make payment of the cheque amount. It is also submitted that the petitioner has instituted a civil suit for recovery of the said amount, which is presently pending adjudication before the Civil Court, Samrala, and is fixed for 22.04.2025. It is pertinent to mention that several other cases under Section 138 of the Negotiable Instruments Act, 1881, are also stated to be pending against the deceased before the Civil Courts at Samrala. Learned

counsel further contends that the deceased committed suicide due to matrimonial discord, as there is a petition under Section 125 Cr.P.C. pending between the parties.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that there are serious allegations against the petitioner, who has recorded objectionable video of deceased Neha Rani and to recover the video, the custodial interrogation of the petitioner is required.

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.

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.

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.

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.

Coming to merits of present case, there are specific and direct allegations against the present petitioner that he along with his co-accused persons was pressurizing the deceased to withdraw the case instituted by her i.e. FIR No.109 of 2023 and even the petitioner has recorded some objectionable videos of the deceased with which he was threatening the deceased that he would viral the same, therefore, from the allegations levelled against the petitioner, it can be culled out that though there is no suicide note

left by the petitioner but the acts of the petitioner had instigated the deceased to commit suicide.

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.

(SANDEEP MOUDGIL)
JUDGE

16.04.2025

Meenu

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*