

2025:PHHC:098742



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

**CRM-M-32296-2025  
DECIDED ON: 21.07.2025**

**VIJAY KUMAR**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. K.S. Siwach, Advocate  
for the petitioner

Mr. Rajiv Verma, Senior DAG Punjab

**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.0083, dated 22.05.2024, under Sections 306, 506 and 34 of IPC, 1860, registered at Police Station Lambi, District Muktsar Sahib.

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

*“Statement of Gurpreet Singh son of Charhat Singh son of Gurdial Singh, resident of Village Kangan Khera, aged about 24 years, Mobile No. 98784 38639. Stated that I am residing at above noted address and is agriculturist by profession. We are two brothers & one sister. All three are married. The marriage of my elder brother Lovepreet*

*Singh had taken place on 19.2.2024 with Kulwinder Kaur daughter of Ram Chand, resident of Village Burj, Tehsil Ratia, District Fatehabad (Haryana) as per religious rites & ceremonies. After few days from marriage, my sister in law (bharjai) Kulwinder Kaur started having quarrel with my brother Lovpreet Singh. The dispute kept rising with the passage of time. My brother Lovpreet Singh started remaining silent & sad. I asked my brother time & again as to what is reason, on which, he said that my wife Kulwinder Kaur use to have telephonic conversation as well as chatting & video calls with someone, I have tried to persuade her time & again, but she is not mending her ways, due to which reason, I am so upset. My brother Lovpreet Singh further told me that I have also asked my mother in law Reshma wife of Ram Chand, resident of Village Burj, Tehsil Ratia that you may persuade your daughter, on which, my mother in law went to say that my daughter is having friendship with Vijay Kumar son of Malkit Singh, resident of Village Raipur, Tehsil Ratia since long period, hence she will keep having conversations with him My brother told me that telephonic conversations often take place between Mobila No. 93504 43619 of my bharjai Kulwinder Kaur, Mobile No. 94180 52371 of said Vijay Kumar & Mobile No.9568567688 belonging to Reshma (his mother in law). After due consideration, we family dropped my bharjai at Village Burj, Tehsil Ratia, but even after that, Kulwinder Kaur & Reshma kept of harassing my brother. Hence my brother Lovpreet Singh, having fed up at the hands of Kulwinder Kaur, Reshma (mother in law) and Vijay Kumar, friend of my bharjai, consumed the insecticide, lying in store, As his condition was so serious, hence we got him admitted in Juneja Hospital, Malout, from where the Doctor, keeping in view his condition, further referred to AdeshHospital, where my brother Lovpreet Singh passed away on 21.5.2024 at about 06.00 Hrs. during the course of treatment. My brother Lovpreet Singh hascommitted suicide by consuming insecticide on having fed up at*

*the hands of his wife Kulwinder Kaur, Reshma, mother in law, residents of village Burj, Tehsil Ratia, District Fatehabad and Vijay Kumar, friend of his wife Kulwinder Kaur, son of Malkit Singh, resident of Village Raipur, Tehsil Ratia, District Fatehabad. Hence due legal action may be please taken against all three of them. Statement got recorded with you, heard, it is correct. Sd/ Gurpreet Singh.”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the story narrated by the complainant is highly improbable since as per the facts narrated in the FIR, there is no allegation of instigation at the hands of the present petitioner for compelling the deceased-Lovepreet Singh to commit suicide and there is no suicide note which would corroborate the version of the complainant, therefore, no offence under Sections mentioned above is made out.

**On behalf of the State/complainant**

The learned State Counsel vehemently opposes the present petition and seeks its dismissal, contending that the deceased was in a state of acute mental distress as a result of the alleged illicit relationship between his wife, Smt. Kulwinder Kaur, and the present petitioner. It is further submitted that the petitioner, in active connivance with the co-accused persons, habitually subjected the deceased to mental and physical harassment, and it is specifically alleged that the accused persons administered a poisonous substance to the deceased, which directly resulted in his untimely demise.

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 the merits of the present case, there are serious allegations against the petitioner Vijay Kumar, particularly with regard to his alleged illicit relationship with co-accused Kulwinder Kaur and their regular communication through voice and video calls, which are significant to the ongoing investigation. The investigation is still in progress, and a key piece of evidence namely, the mobile phone allegedly used for such communication, is yet to be recovered. Although no suicide note has been found, but the allegations suggest that the conduct of the petitioner may have instigated the deceased to take the extreme step of committing suicide. Moreover, the precise role of the petitioner in the unnatural death of Lovepreet Singh is still under investigation for which his custodial interrogation is sought for. In these circumstances, this Court does not find any ground to extend the benefit of anticipatory bail to the petitioner at this stage.

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.

21.07.2025

*Meenu*

**(SANDEEP MOUDGIL)**  
**JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>