



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-29411-2024

Date of Decision : July 18, 2024

SHAMSHER SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.K.Malik, Advocate
for the petitioner.

Mr. Bhupinder Singh, D.A.G., Haryana.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 5.6.2024, the following extracted order was passed by a co-ordinate Bench of this Court:-

“1. Prayer in this petition filed under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case bearing FIR No.144 dated 21.05.2024 (Annexure P-1), under Section 306 read with Section 34 of the Indian Penal Code, registered at Police Station Narwana Sadar, District Jind.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of statement of Manish (complainant) son of Dharampal. It is submitted that there is no specific allegation against the petitioner, neither in the FIR nor in the video clip, which is stated to have been prepared by the deceased – Kapil before committing suicide. It is further submitted that the allegations are vague in nature. Learned counsel submits that the petitioner is not related to any of the families of complainant or his in-laws, rather he only attended the Panchayat once or twice to resolve



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the dispute between the family of deceased and the family of Jangir Singh @ Tikda. It is further submitted that Kapil (since deceased) committed suicide because of his matrimonial dispute and the cases which are pending against him at Kaithal Court.

*2.1 Learned counsel for the petitioner has relied upon a judgment rendered by the Hon'ble Apex Court in the case of “**Arnab Manoranjan Goswami v. State of Maharashtra & Ors.**”, 2021 (2) SCC 427. After making reference to Section 107 of the Indian Penal Code, which defines ‘abetment of a thing’, it has been held that the first segment of Section 107 defines abetment as the instigation of a person to do a particular thing and the second segment defines it with reference to engaging in a conspiracy with one or more other persons for the doing of a thing, and an act or illegal omission in pursuance of the conspiracy. The third segment of abetment is founded on intentionally aiding the doing of a thing either by an act or omission. After making exhaustive reference to the settled law on this point in various authoritative pronouncements and specifically relying on the judgments of the Apex Court in “**S S Chheena vs. Vijay Kumar Mahajan**”, (2010) 12 SCC 190 and in “**Madan Mohan Singh v. State of Gujarat**”, (2010) 8 SCC 628, wherein it was held that a suicide note expressed a state of anguish of the deceased and it cannot be depicted as expressing anything intentional on the part of the accused that the deceased might commit suicide. Their Lordships also reiterate the position of law laid down in “**Ude Singh and Ors. v. State of Haryana**” (Criminal Appeal No.233 of 2010 decided on 25/07/2019), wherein it was held as under:*

“38. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and



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convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.”

2.2 *Learned counsel for the petitioner contends that the bail application under Section 438 of the Code of Criminal Procedure, filed on behalf of the petitioner before the Court of Additional Sessions Judge, Jind, has been wrongly declined vide order dated 31.05.2024 (Annexure P-2).*

2.3 *Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.*

3. *Notice of motion.*

4. *At the asking of Court, Mr. Neeraj Sheoran, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State. He prays for an accommodation to seek instructions and file status report in the matter.*

5. *Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.*

6. *List on 18.07.2024.*

7. *In the meantime, the petitioner is directed to join the investigation and co-operate fully in the investigation process; and in the*



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personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of the Code of Criminal Procedure.”

2. Today, the learned State counsel on instructions imparted to him by the official concerned, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 5.6.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

July 18, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No