



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-39667-2024
Date of Decision : **August 29, 2024**

KHAJANI ALIAS KHAJANI DEVI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Manish Verma, Advocate
for the petitioner.

Mr. Rajesh Gaur, Addl.AG, Haryana.

KULDEEP TIWARI, J. (Oral)

1. On 14.08.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer is made for grant of anticipatory bail to the petitioner in case FIR No.0144 dated 21.5.2024, under Sections 306, 34 IPC, registered at Police Station Narwana Sadar, District Jind.

Learned counsel for the petitioner in the asking for the relief (supra) submits that the allegations, as alleged against the present petitioner are vague, as it is alleged that the petitioner with her co-accused had harassed the deceased, which led him to commit suicide. He further submits that there are no specific allegations that what kind of harassment has been made by the petitioner to the deceased. He also submits that other co-accused, namely, Shamsheer Singh has been

granted the relief of anticipatory bail by this Court vide CRM-M-29411-2024. The relevant extract reads as under:-

*“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 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.”

Notice of motion for 29.8.2024.

On the asking of the Court, Mr. Bhupender Singh, D.A.G., Haryana, accepts notice on behalf of the respondent-State.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.”

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 14.08.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

August 29, 2024
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(KULDEEP TIWARI)
JUDGE

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