



IN THE PUNJAB AND HARYANA HIGH COURT
CHANDIGARH

CRM-M-42006-2024
Date of Decision:29.08.2024

ARYAN GOELPETITIONER

VERSUS

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioner (through Video Conferencing)

Mr. J.S. Rattu, DAG, Punjab

Mr. Bhanu Pratap Singh, Advocate for the complainant.

SANDEEP MOUDGIL, J

Relief Sought

1. Jurisdiction of this court has been invoked under section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of pre-arrest bail to the petitioner in FIR No.167 dated 31.07.2024(Annexure P-1) registered under Section 108 BNS of 2023, in Police Station Division No.6, Ludhiana.
2. Case of the prosecution as narrated in the FIR is reproduced herein below:-

Statement of Gurvinder Singh son of Late Sh. Harbhajan Singh resident of house number 2043/1, Street Number 33, Janta Nagar, Police Station Division Number 06, Ludhiana, aged about 43 years. Stated that I am resident of above said address and I am in business of wood, my son Ranjit Singh, who is aged about 18 years and had recently given exams of 10+2 class, yesterday evening he received a phone call at about 6 PM from one boy on which he went

from home and when he returned back, he was having an injury on his face, and when I enquired from him about the injury, then he disclose that he received the injury with a 'iron kadda' in a friendly scuffle with his friends. My son was at home for the whole day, and when I came home at 3 PM for taking lunch, then I saw that, she has committed suicide by hanging himself in the lobby of our house. I checked phone of my son and I called a boy named Aryan on his mobile number 9781152862 and he disclosed that my son Ranjit Singh had made viral a objectionable photo of his friend's sister on which one boy was blackmailing that girl so Aryan had called my son Ranjit Singh at model town on 30.07.2024 at evening and had beaten my son along with his friends and had got deleted the photos from the phone of my son Ranjeet. All this was disclosed to me by Aryan on phone. I was not aware of the beating given to my son by Aryan and his friends, so I had not made any complaint against this, and I was not having any record of the photos which was made viral by my son, I had also checked the room of my son Ranjeet and I had not found any suicide note written by my son. My son Ranjeet has committed suicide because he could not bear the beatings given by Aryan and his friends. So legal action should be taken against Aryan and his friends. I had recorded my statement with you, which is correct signed Gurvinder Singh mobile number 7900000724, verified by ASI Onkar Singh No. 1616/ Ludhiana, Police Station Division No. 06, Ludhiana, Dated 31.07.2024.”

Contentions

On behalf of the petitioner

3. It is contended by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. There is no suicide note left by the deceased behind as such there is no evidence to the effect that

the deceased committed suicide and there is no overt act attributed to the petitioner. The complainant's son did not disclose any reason behind the beatings given to him. Further, the injury was caused with an 'iron kadda' in a friendly scuffle, as such, there is no evidence to the effect that 'iron kadda' belonged to the petitioner and that the petitioner had caused the injury on the face of the deceased. Therefore, there is no evidence of abetment against the petitioner therefore, the petitioner may be granted anticipatory bail in the present case.

Notice of motion.

On behalf of the State and the complainant

4. On the asking of the Court, Mr. J.S.Rattu, Deputy Advocate General, Punjab, who is present in the court, accepts notice for the State. Mr. Bhanu Partap Singh, Advocate, who is present in the Court also accepts notice and filed his Memorandum of Appearance on behalf of the complainant.

5. While opposing the bail application, it is contended by the learned State Counsel and the learned counsel for the complainant that it is the petitioner – Aryan, who had called up the the complainant's son and thereafter, he went out of the house and on his return to the house, there was an injury on his face caused by 'iron kadda' which shows that deceased was given beatings by the petitioner and his friends, which ultimately led to the death of the complainant's son – Ranjeet as such the reason behind the death of the complainant's son is the petitioner and the circumstantial evidence revolves around the petitioner. As such, the petitioner does not deserve the concession of anticipatory bail.

Analysis

6. Heard and case file also perused.

7. Before delving into the merits of the case, it would be apposite to mention sec 108 BNS :-

If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 45 of BNS deals with abetment of a thing which for convenience is reproduced herein below:-

A person abets the doing of a thing, who:

instigates any person to do that thing; or

engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1: *A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing*

Explanation 2: *Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.”*

8. The legal position as regards section 108 BNS which is long settled was recently reiterated by this court in the case of **“Randhir Singh vs State of Punjab (2004) 12 SCC 129** wherein it was held that :-

"12. Abetment involves a mental process of instigating a person or intentionally aiding that person in doing of a

thing. In cases of conspiracy also it would involve that mental process of entering into conspiracy for the doing of that thing. More active role which can be described as instigating or aiding the doing of a thing is required before a person can be said to be abetting the commission of offence under [Section 306 IPC](#).”

9. As per the facts culled out from the instant petition, it has specifically come on record against the petitioner and his friends that they humiliated the deceased- Ranjit Singh by making him publically to feel sorry and not only recorded the video but circulated thereof apart from giving beatings with iron kadda. As such, these direct allegations prima facie constitutes offence under Section 108 of BNS, 2023 and the instant FIR involves disputed questions which can be adjudged in the trial by leading evidence alone. The material qua the offence is yet to be extracted from the petitioner and other accused persons for which I deem the custodial interrogation of the petitioner necessary which otherwise may not be made available to the prosecution.

Decision

10. Consequently, considering the above-said discussions particularly bearing in mind the severity and gravity of offence which has made an 18 year boy to loose his life, this Court does not find any merit in the present petition to grant anticipatory bail.

Hence, the present petition is hereby dismissed.

(SANDEEP MOUDGIL)
JUDGE

29.08.2024

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No