

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46705-2024
Date of Decision:19.09.2024

Shuvam @ Shivim Kumar @ Shimbu

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Onkar Singh, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to grant anticipatory bail to him in case FIR No.199, dated 28.07.2024, under Sections 108 and 61 (2) of BNS, registered at Police Station Sahnewal, District Ludhiana (Annexure P-1).
2. Learned counsel for the petitioner contends that as per the allegations levelled by the complainant, the petitioner and his co-accused namely Vijay Kumar @ Happy and Navjot Kaur used to threaten Vineet Singh, since deceased, on instagram. On account of threat extended by the petitioner and his co-accused; Vineet Singh, since deceased had committed suicide. Learned counsel for the petitioner contends that even from the allegations levelled by the complainant, no offence under Section 108 of BNS is made out against the present petitioner. He further contends that Vineet Singh, since deceased was living at Ludhiana, whereas the petitioner was working as a driver

in the Postal Department at Jalandhar. To substantiate the said plea, learned counsel for the petitioner has placed reliance on the allotment letter regarding quarter (Annexure P-2). He further contends that in fact, Vijay Kumar, co-accused and Vineet Singh were first cousins and had developed a liking for a girl namely Navjot Kaur. Ultimately, Navjot Kaur was married to Vijay Kumar, co-accused on 22.04.2024 and due to this, Vineet Singh, since deceased was disheartened and depressed. Learned counsel further contends that in the present case, there is no direct or indirect proof of any overt act on the part of the present petitioner to incite Vineet Singh, since deceased to commit suicide. Even the prosecution has alleged that the petitioner and his co-accused used to threaten Vineet Singh, since deceased on instagram and such act can never compel a person to commit suicide and the alleged offending act cannot be stated to be a proximate cause of death of Vineet Singh. He further submitted that the deceased, who was hyper-sensitive and had committed suicide without any abetment on the part of the petitioner and in such a case, the petitioner can never be prosecuted for abetment of suicide. Thus, the ingredients of offence under Section 108 of B.N.S are completely missing in the peculiar facts and circumstances of the present case. He further contends that in the peculiar facts and circumstances of the present case, the custodial interrogation of the petitioner is not required.

3. On the other hand learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and his co-accused were constantly threatening Vineet Singh, since deceased on instagram and even they had scuffled with Vineet Singh, since deceased. He further contends that repeated threats extended by the

petitioner and his co-accused were the main reason for commission of suicide by Vineet Singh and the petitioner has been specifically named in the crime. Thus, the present petition deserves to be dismissed by this Court.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. In the present case, the ingredients of the offence under Section 108 of B.N.S are debatable, which can be proved by the prosecution, only during the course of trial by leading evidence. Apart from that, this Court is also of the considered view that the custodial interrogation of the petitioner in the present case is not required, at this stage.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 528 (2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join the investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 528 (2) of the B.N.S.S.

19.09.2024

hitesh

(N.S.SHEKHAWAT)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No