

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

287

CRM-M-59987-2023 (O&M)
Date of decision: 08.02.2024

Jasmin @ Jasmeen & others ...Petitioners
Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. H. S. Batth, Advocate
for the petitioners.

Mr. P. S. Pandher, AAG, Punjab.

Mr. Rahul Bhargava, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioners seek anticipatory bail in case FIR No. 151, dated 27.08.2023, under Section 306 read with Section 34 of the IPC at Police Station Gharinda, District Amritsar.
2. Vide order dated 30.11.2023, passed by this Court, the petitioners were released on interim bail and were directed to join investigation.
3. Learned State counsel, assisted by learned counsel for the complainant, on instructions from the Investigating Officer, states that the petitioners have joined the investigation and are not required for custodial interrogation. It is also submitted that no recovery is to be effected from them.
4. The petitioners have been booked for commission of offence punishable under Section 306 of IPC. In order to prove a case under the

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provisions of Section 306 of IPC, it must be shown that the accused played an active role by an act of instigating or by doing certain acts to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence, which led to suicide, would not amount to an offence under Section 306 of IPC. At this stage, there is nothing on record to show that the petitioners had requisite *mens rea* to commit the offence of abetment to suicide by the victim. It goes without saying that the abetment involves a mental process of instigating a person or intentionally aiding in doing of a thing. However, in the considered opinion of this Court, no such case is *prima facie* made out against the petitioners.

5. In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 30.11.2023, granting interim bail to the petitioners, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.02.2024

(MANISHA BATRA)
JUDGE

Waseem Ansari

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No