



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-2435-2025(O&M)
Date of decision: 17.01.2025**

Santosh Devi

...Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Pradeep Bhukal, Advocate for
Mr. Manvinder Singh Dalal, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J.

Present petition under Section 483 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for cancellation of pre-arrest bail of respondent Nos. 2 & 3 granted by learned Additional Sessions Judge, Kaithal (for short 'learned ASJ') on 20.12.2024 (P-4) in FIR No. 304 dated 02.12.2024, under Section 108 read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kaithal Sadar.

(2) Contends that pre arrest bail has been granted to respondent Nos. 2 & 3 by learned ASJ without taking into consideration the fact that allegations against them are very serious in nature.

(3) Heard learned counsel for the petitioner and perused the paperbook including the impugned order dated 20.12.2024 (P-4).

(4) It transpires that aforesaid FIR was registered at Police Station Kaithal Sadar against respondent Nos. 2 & 3. Apprehending arrest, both of them filed application for seeking pre-arrest bail before learned ASJ and they were



granted interim protection on 12.12.2024, which was subsequently made absolute vide impugned order dated 20.12.2024. For reference, para Nos. 4 & 7 of the order dated 12.12.2024 are extracted below:-

“4. Now, as per the case of the prosecution/F.I.R., the applicants- accused alongwith two other persons allegedly thrashed the complainant, abused him, instigated him to commit suicide and being perturbed on account of their act & conduct, the deceased committed suicide by consuming some poisonous substance. On the contrary, as per the applicants-accused, a dispute/altercation had taken place in the fields of Gurupal (co-accused) between the deceased & Raj Kumari (a migrant labourer from Bihar) as her minor daughter was easing out in the fields of the deceased. The said migrant labourer was engaged by co-accused Gurupal in his fields and so Gurupal intervened and police was called at the spot. The said Raj Kumari made a complaint against the deceased and in connection with that complaint, the deceased was summoned at the Police Station, but on the same day i.e. 2.12.2024, in the evening, the deceased took the unwarranted step of suicide and the applicants-accused are not in any manner responsible for the overt act of the deceased.

7. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. It requires an active act or direct act which led the deceased to commit suicide seeing no option and this act must have been intended to push the deceased into such a position that he/she commits suicide. There may be a case when a victim committing suicide is hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society and such petulance, discord and differences cannot be expected to induce a similarly circumstanced individual in a given society to commit suicide. Abetment necessarily means some active suggestion or support to the commission of the offence.”



Bare perusal of the above extract clearly reveals that learned ASJ granted bail to respondent Nos. 2 & 3 after due application of mind. Apart that, there is no allegation that either of the respondents has misused the concession of pre arrest bail granted by learned ASJ, in any manner.

(5) Moreover, it is settled law that for seeking cancellation of bail, the applicant would show the subsequent supervening circumstances, such as that accused having endeavored to influence and/or intimidated witnesses or violated bail conditions or accused committed another offence; or secured bail by concealing material facts. The same has been reiterated by Hon’ble the Superme Court in **“Himanshu Sharma versus State of Madhya Pradesh, 2024 (4) SCC 22.”**

(6) In view of the above, this Court is not inclined to entertain the present petition.

(7) Consequently, there is no other option except to dismiss the petition.

(8) Ordered accordingly.

(9) It is clarified that above observations be not construed as an expression of opinion on merits of the case, in any manner.

Pending application(s), if any, shall also stand disposed off.

17.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No