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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7597 of 2025
Date of Decision: 28.04.2025
Reserved on: 24.04.2025

Kabal Singh ... Petitioner

Versus

The State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pradeep Virk, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Nitesh Jhajria, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
115	04.10.2024	Khuian Sarwar, District Fazilka	56, 351(2), 126(2), 115(2) and 61(2) of of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) (108 of BNS added later on)

2. Adumbrated facts as emanating from the record are that on

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03.10.2024, on receipt of an information regarding admission of the complainant-victim Sada Lal in Civil Hospital Abohar, a police party reached there and obtained opinion of doctor regarding condition of the injured and thereafter recorded statement of victim Sada Lal who stated that he had worked as a private contractor in Electricity Board i.e. PSPCL in the year 2023. The accused Baldev Singh who was posted as Sub Divisional Office in Sub Division Khuian Sarwar along with the petitioner and the co-accused used to demand a sum of Rs.10 lakhs and were otherwise threatening to implicate him in false cases. On the same day, the petitioner and co-accused Gurwinder Singh had intercepted him when he was going from his house to Khuian Sarwar and had demanded money. On his refusal, they had extended beatings to the victim. He further stated that as he was unable to bear the humiliation, therefore, he had immolated himself by pouring petrol as he was tired of the harassment given by the petitioner and co-accused Gurwinder Singh. He also disclosed that he was extended beatings by all the persons named by him. Initially, a case under Sections 115(2), 126(2), 351(2), 56 and 61(2) of BNS was registered. Investigation proceedings were initiated. The victim succumbed to the injuries sustained by him and died on 06.10.2024. Offence under Section 108 of BNS was added. The petitioner was arrested on 08.10.2024. The co-accused Baldev Singh was extended benefit of anticipatory bail. Presently, the petitioner along with the co-accused is facing trial for commission of the aforementioned offences.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case and the FIR filed against him infact is a counter blast to the FIR No.505 dated 10.07.2024 registered under Section 138 of the Electricity Act, 2003 at Police Station APT, District Bathinda as against the complainant-victim and one Balwinder Singh on the complaint of co-accused Baldev Singh. Infact, the victim who was working as a contractor in Electricity Department was indulged in tampering with electricity meters and then blackmailing consumers of electricity by demanding money from them for not reporting the matter to the Electricity Department. Several representations had been moved by the petitioner and other co-villagers to the different authorities for conducting enquiry into the matter and then the aforementioned FIR No.505 was registered. The allegations as levelled by the complainant-victim even if considered to be correct did not made out any case for abetting suicide by the victim and as such the ingredients of Section 108 of BNS have not been attracted at all in this case. He is in custody since long. The trial would take considerable time to conclude. His further incarceration would not serve any useful purpose. With these broad submissions, it is urged that he deserves to be released on bail.

4. Status report has already been filed. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that there are serious and specific allegations against the petitioner who along with the accused Gurwinder Singh had intercepted the

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victim on 03.10.2024, had raised demand of Rs.10 lakhs and had otherwise threatened to implicate him in false case. It was out of the humiliation meted out at the hands of the petitioner and accused Gurwinder Singh that the victim was forced to end his life by immolating himself. The statement of victim amounts to dying declaration which is a sufficient piece of evidence as against the petitioner. There is nothing on record to show that there would be any delay in conclusion of the trial. Accordingly, it is argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to have harassed the complainant-victim on account of demand of a sum of Rs.10 lakhs. He along with the accused Gurwinder Singh is further alleged to have demanded the same amount from the complainant on 03.10.2024 and is then alleged to have extended threat to the victim and extended beatings to him. The victim had set himself ablaze and sustained 60% burn injuries as a result of which he had died on 06.10.2024. It is a question of debate as to whether in view of the allegations as levelled against the petitioner, a case for commission of offence under Section 108 of BNS i.e. making abetment to commit suicide is made out or not? In order to bring a case under the provisions of Section 108 of BNS (which is pari materia with Section 306 of IPC), undoubtedly, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by act of instigation or by doing

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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 108 of BNS. If an accused by his acts and continuous course of conduct is shown to have created any such situation which leads the victim to perceive no other option and if there is some material on record to show that some particular action on the part of the accused had compelled the victim to commit suicide and his suicide was proximate to such offending action which could either be an act of instigation or by doing certain acts to facilitate the commission of suicide, the case for committing offence of abetment to suicide is made out. It is on the basis of thorough assessment of the evidence to be produced at the trial that it can be determined as to whether there was abetment on the part of the petitioner to the victim to commit suicide. The material placed on record by the petitioner shows that an FIR had already been registered against the victim at the behest of co-accused Baldev Singh and certain representations had also been filed against him. The petitioner is in custody since 08.10.2024. At this stage, there is no material on record to show any specific instance of harassment on the part of the petitioner. No nexus of proximity to the incident of commission of suicide is noticed prima facie. Trial would take time to conclude. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as

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surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

28.04.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No