

CRM-M-18634-2024

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

311-2

CRM-M-18634-2024

Date of decision: 28th January, 2025

Vishal Khosla

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

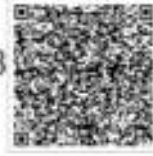
Ms. Himani Arora, Assistant Advocate General, Punjab.

Mr. J.S. Mehndiratta, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

Present petition has been filed seeking grant of anticipatory bail to the petitioner in case FIR No. 25 dated 29.02.2024 registered under Sections 306 read with Section 34 of Indian Penal Code at Police Station Chattiwind, District Amritsar.

2. The aforementioned FIR had been registered on the basis of statement got recorded by the complainant-Dilashish Singh on 29.02.2024, on the allegations that his father-Sardar Amritpal Singh was running a lab in partnership with one Sandeep Singh, in the area of Ram Takai Mandir Market, Amritsar. The car repair shop of the petitioner and co-accused Pardeep Gabbar and Raghu Khosla was situated adjoining to his lab. The petitioner along with the co-accused used to harass his father by parking the vehicles which were brought for repair to his shop, in front of lab of his father. Whenever, the latter resisted, the petitioner and co-accused used to

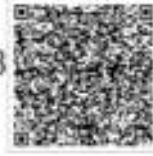


quarrel with him. The petitioner and co-accused had been harassing his father continuously. They had even lodged false complaints with the Municipal Corporation and Police Administration against the victim, due to which, the victim was quite upset and started remaining disturbed. On 29.02.2024, he ended his life by shooting himself with his licensed pistol. His dead body was recovered from his car near village Rajowal. By alleging that the petitioner and co-accused had abetted suicide by his father, the complainant prayed for taking action in the matter. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the present petitioner had moved an application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 08.04.2024.

3. Vide order dated 18.04.2024, arrest of the petitioner had been ordered to be stayed by this Court.

4. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. The allegations in the FIR, even if, presumed to be correct on the face of record, do not constitute any offence of abetment to commit suicide by the victim. Nothing has been produced on record to show that the petitioner ever harassed or did any such act which amounted to abetting the suicide by the victim. The investigating agency has not been able to show any proximate and live link between the suicide of the victim and the act and conduct of the petitioner, which amounted to abetting the same.

4. It is further argued that there is also no material on record to show that there was any instigation on the part of the petitioner in

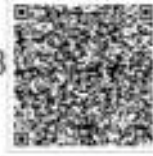


committing suicide by the victim. No harm is proved to have been caused by him. In the suicide note left by the victim, there is no reference of any specific act and conduct or specific incident amounting to commission of willful act or omission or intentionally aiding or instigating the victim in committing suicide. The allegations as levelled against the petitioner are far fetched, highly improbable and unnatural. The same do not make out any case qua commission of offence under Section 306 of IPC. Hence, it is urged that the petition deserves to be allowed.

5. Status report has been filed by learned Assistant Advocate General, Punjab. Learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has submitted that there are serious allegations against the petitioner along with the co-accused, who are his father and brother respectively, had been harassing the victim continuously for the last five years. The petitioner and the co-accused had been filing false complaints against the victim thereby instigating and compelling him to commit suicide. The victim had left a suicide note specifically holding the petitioner and co-accused responsible for his death. There are serious allegations against the petitioner. The petitioner has criminal antecedents as one more criminal case has been registered against him. No extra ordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully,

7. The commission of suicide by the victim by firing a shot at



himself is not in dispute. It is also not in dispute that the work places of the victim as well as the petitioner and co-accused were in the neighborhood. A suicide note left by the victim has been relied upon by the prosecution, wherein the victim is shown to have mentioned that the petitioner and co-accused are responsible for his suicide as they had been harassing him for the last five years and made false allegations against him. The essential ingredients for commission of offence under Section 306 are; (i) the abetment; and (ii) the intention of the accused to aid or instigate or abet the victim to commit suicide. It is well settled proposition of law that for the purpose of finding out if a person has abetted the commission of suicide by the another, the consideration would be if the accused is guilty of the act of the instigation of the act of suicide. Instigation means to goad, urge forward, provoke, incite or encourage to do an act. 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 except to commit suicide, the case may fall within the provisions of Section 306 of IPC. In the instant case, though as per the suicide note, the petitioner had been levelling false allegations against the victim, however, no material whatsoever has been produced on record by the respondent/complainant to show that false complaints had been lodged against the victim nor any specific instance of harassment has been quoted. *Prima faice*, no nexus of proximity to the incident of commission of suicide under Section 306 of IPC is noticed at this stage. The nature of the allegations as levelled against the petitioner are as such that they do not require his custodial interrogation. In view of this discussion, I allow the petition. The petitioner is ordered to be released on



bail in the event of his arrest, on the following conditions:-

- (i) He shall furnish requisite personal/surety bonds to the satisfaction of the Arresting officer/investigating officer by appearing before him within a period of ten days;
- (ii) He shall appear before the Investigating Officer as and when called subsequently and submit all documents and details as may be called upon by him.
- (iii) He shall not tamper with the evidence or cause any threat or to any of the prosecution witnesses in any manner.
- (iv) In the event of violation of any of the abovesaid terms, his bail shall stand automatically cancelled.
- (v) He shall not leave the country without prior permission of the trial Court.
- (vi) He shall regularly appear before the Court on every date of hearing and also and when called upon to do so during the course of trial.

8. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

9. Since the main petition has been allowed, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

28th January, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No