



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-27770-2025

Date of decision: May 20, 2025

PAWAN KUMAR AND ANOTHER

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajan Sharma, Advocate
for the petitioners.

MANJARI NEHRU KAUL, J.(ORAL)

1. The instant petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioners in case FIR No.0059 dated 15.04.2025 under Sections 108, 3(5) of the BNS, 2023, registered at Police Station Cantonment, Police Commissionerate Amritsar.

2. The wife of the deceased-Mohinder Pal lodged the FIR in question (Annexure P-1). As per the allegations levelled, the deceased was compelled to end his life due to sustained harassment and threats at the hands of the petitioners i.e. his paternal uncle and cousin, along with others. Allegedly, petitioner No.1 and his family had been tenants in the upper portion of the complainant's residence at Amritsar, for the past two decades. Over the years, several requests were made for vacating the premises, which the petitioners refused and allegedly escalating to regular quarrels, intimidation, and threats involving gangsters.



3. This persistent harassment allegedly forced the family of the complainant to lock their own home and shift to rented accommodation. On 09.04.2025, the complainant received a call informing her that her husband had consumed poison. When she reached the hospital, the deceased informed her that he had visited one Dharampal Aggarwal's shop to confront him and petitioner No.1 over the illegal possession of his house. He was insulted and told to "*do whatever he wanted*" and threatened that they would ruin him and his mobile phone was allegedly snatched. Disheartened and humiliated, he consumed poison. He succumbed to his condition on 15.04.2025, following treatment.

4. The complainant claimed that her husband's suicide was a direct result of the harassment and illegal occupation of his house by the petitioners and his associates.

5. Learned counsel for the petitioner has argued that the FIR is based on a distorted version of events. The deceased and his family had mortgaged the property to multiple banks and defaulted on substantial loans, which led to SARFAESI proceedings and symbolic possession by the banks. Due to increasing pressure from bank officials and uncertainty over ownership, the petitioners voluntarily vacated the premises in 2021. The deceased, as per the learned counsel for the petitioners, was pressurizing the petitioners to purchase the mortgaged property, which they refused. Learned counsel further asserted that the deceased was not in a fit state to make any



statement to his wife, while he was hospitalized. Hence, it is implausible that he could have disclosed to the complainant the reason behind his suicide. Learned counsel has, therefore, asserted that in the circumstances, the necessary ingredients of abetment to suicide under Section 108 of BNS is not made out and the custodial interrogation of the petitioners would not be warranted.

6. I have heard learned counsel for the petitioner and perused the relevant material placed on record.

7. At the outset, it is pertinent to note that the allegations against the petitioners in the FIR (Annexure P-1) are not only serious but also consistent and specific. The deceased allegedly was driven to take the extreme step of suicide due to prolonged mental harassment and continuing illegal possession of his house by the petitioner. Though the petitioner-Pawan Kumar has claimed to be co-owner of the premises in question, however, it is also a matter of record that there are civil proceedings pending between the parties, wherein the petitioner has claimed himself to be a tenant, thereby rebutting any claim of ownership, much less co-ownership.

8. What adds gravity to the case is the unsettling narrative that the actual owner of the house was compelled to leave his own home, while the ‘tenants’ continued to occupy it. The natural distress, humiliation, and mental agony caused by such a situation – where a man is forced to seek



rented accommodation due to hostility and refusal of his ‘tenants’ to vacate – is a circumstance, which, *prima facie*, supports the allegations of abetment.

9. It is not difficult to comprehend the psychological trauma of being deprived of one’s residence by persons known to the deceased, coupled with the alleged threats invoking underworld elements.

10. Furthermore, the assertion by the learned counsel for the petitioner that the house in question had been vacated in 2021, appears to be contradicted by their own litigation as they continue to describe themselves as ‘tenants’ in the civil proceedings pending before the Civil Court.

11. In the light of the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner.

12. Accordingly, the instant petition stands dismissed.

13. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 20, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No