



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
207

CRM-M No.28287 of 2025
Date of decision: 01.08.2025

Mesho @ Shyamo ... Petitioner

Vs.

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Navneet Singh, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
157	22.03.2025	Industrial Sector 29 Panipat, District Panipat	108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the complaint submitted by the complainant Vinay alleging therein that his

2025:PHHC:098012



brother Naveen Kumar was married with accused Pooja about seven years back. The matrimonial relations between them were strained and quarrels used to take place. His brother had even started residing separately with Pooja in a rented accommodation but their relations did not normalize. The petitioner who is paternal aunt (bua) of accused Pooja, accused Pooja and her other family members used to extend threats to kill his brother. He was humiliated and even assaulted by them several times. He alleged that his brother had committed suicide by hanging himself in his rented room on the night of 20.03.2025 and one day prior to that, he had made discussion with the complainant and had disclosed everything to him. He disclosed that the deceased had also left a suicide note. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of pre arrest bail which has been dismissed by the Court of learned Additional Sessions Judge, Panipat vide order dated 13.05.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated due to being relative of Pooja. She is 80% specially abled person totally confined to bed. She is living separately from the family of the co-accused. Her leg has been amputated. The victim had solemnized love marriage with Pooja. Infact it was the complainant who had been interfering in lives of the victim and Pooja.

2025:PHHC:098012



The ingredients for commission of subject offences have not been attracted against her at all as there is nothing on record to suggest that she played any role in the suicidal death of the victim or abetted the same. She has clean antecedents. She is ready to join the investigation. Her custodial interrogation is not at all required. Neither any recovery is to be effected from her. It is, therefore, argued that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that the allegations against the petitioner are serious in nature. The victim had been harassed by the petitioner, his wife Pooja and her family members to that extent that he was compelled to end his life. He had left suicide note and had also named the petitioner responsible for his death. For conducting thorough investigation in the matter, her custodial interrogation is required. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner in connivance with the co-accused Pooja is alleged to have abetted suicide by the victim, who had died due to hanging himself. As per the prosecution case, the victim had left a suicide note. A photocopy of the same had been annexed with the status report as Annexure R-2. In this suicide note, the victim is shown to have written that his father-in-law, his wife and the petitioner used to harass him and

2025:PHHC:098012



used to extend threats to kill him and that they were responsible for his death. The well settled proposition of law is that in order to bring a case under the provisions of Section 108 of BNS, there must be a case of suicide and the person who is said to have abetted the commission of such suicide must be shown to have played an active role by an act of instigating or certain act of felicitating the commission of suicide. Mere harassment without any positive action on the part of the accused would not amount to an offence under Section 108 of BNS. The allegations against the petitioner are not to the effect that she has instigated or abetted the victim to commit suicide or on account of harassment caused by her, he was not left with any other option but to commit suicide. It is only after thorough assessment of the evidence to be produced during trial that a conclusion can be drawn as to whether the ingredients for commission of offence punishable under Section 108 of BNS are attracted qua the petitioner or not? No recovery is to be effected from the petitioner. Her custodial interrogation is not required. As such, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody.

7. Accordingly, without making any comment on the merits of the case, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions laid down in Section 482(2) of BNSS.



8. The petitioner is directed to appear before the Investigating Officer/Arresting Officer and join investigation within a period of ten days from today or as and when subsequently required thereafter and in that eventuality, the Investigating Officer/Arresting Officer shall release her on bail, subject to her furnishing personal/surety bonds to his/her satisfaction.

01.08.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No