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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
207/2

CRM-M No.32486 of 2025
Date of decision: 01.08.2025

Shyam Lal @ Shyama ... 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

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complaint submitted by the complainant Vinay alleging therein that his 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 father-in-law of the deceased, his daughter Pooja who is wife of the deceased and 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.

3. Vide order dated 16.06.2025, the petitioner was directed to join investigation. He has joined the same on 20.07.2025. It is argued by learned counsel for the petitioner that the custodial interrogation of the petitioner is not at all required. He has joined the investigation and, therefore, the order granting interim bail deserves to be become absolute.

4. Status report has been filed. Learned Deputy Advocate General, Haryana has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of pre arrest bail.

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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 i.e. the present petitioner, his wife and other family members used to harass him and 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 he has instigated or abetted the victim to commit suicide or on account of harassment caused by him, 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. His custodial interrogation is not required. As such,

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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 order dated 16.06.2025 granting interim bail to the petitioner is made absolute subject to the compliance of the conditions laid down in Section 482(2) of BNSS, 2023 by the petitioner.

01.08.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No