



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32890-2025
DECIDED ON: 20.06.2025

SUMAN DHONDIYAL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CRM-M-32924-2025

SUSHILA DEVI

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Riffi Birla, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

This court vide its present order shall dispose of CRM-M-32890-2025 and CRM-M-32924-2025 since both involve same facts and question of law. For brevity, CRM-M-32890-2025 is taken as a lead case.

1. Prayer

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.55, dated

21.04.2025, under Section 108 of BNS, registered at Police Station Badhni Kalan, District Moga.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Ajay Kumar son of Parkash Chand son of Mahidhar Parsad resident of Inna Meena Deeka Street, Near Chowk No.06, VPO Koti, Tehsil Bhaniwala, District Dehradun (Uttarakhand) aged 41 years, mb. No.9997738017. Stated that I am resident of aforesaid address and do private job. My brother Ashish Kumar Bhatt aged about 39 years, who resides at Ward No.22, Vedant Nagar, Moga and he was Priest at Thakurdwara (Narayan Dass Tail) Temple at Badhni Kalan, whose marriage was solemnized about 7 years ago with Pinki d/o Rajinder Prasad resident of Street No.396, Sarpanch Colony, Kuleawala (Ludhiana). My brother has one daughter namely Akasha Bhat @ Sanu aged about 5 years. On 19.04.2025 at about 07.56 pm my brother called from his mobile phone NO.99158-01568 on my mobile phone NO. 99977-38017 and said that, "I have consumed poisonous substance, you takecare of my daughter" 'and on saying this he disconnected the call when I again called, then he picked up the call but he was not saying anything. Then I called on mobile No.96467-87921 of my brother's wife Pinki at about 08.00pm and told her that your husband as consumed some poisonous substance, then she disconnected the call on hearing it. Then I again called on my brother's wife Pinki's number at 08.13pm but she did not pickup the call. Then at about 08.32pm my brother sent a suicide note to me through whatsapp. Then my brother's wife Pinki on arranging a vehicle got admitted my brother at Deep Hospital, Nihal Singh Wala for treatment from where doctor referred him and my brother's wife Pinki got him admitted at SPS Hospital, Ludhiana, where my brother Asish Kumar Bhatt died on 20.04.2025 at about 10.30pm. The suicide note which my brother Asish Kumar Bhatt sent me through whatsapp, he has written the name of his mother in law Sushila Devi wife of Rajinder Prasad, my sister in law Pinki's sister in law (Bhabhi) Suman wife of Atul residents of House NO. 396, Sarpanch Colony, Kuliawala (Ludhiana), my sister in law Pinki's sister Anjali wife of Ajay Nagoi and my sister in law Pinki's brother in law Ajay Nagoi residents of Ludhiana. Kindly appropriate legal action may be taken against my brother's mother-in-law Sushila Devi, my sister in law Pinki's sister in law (Bhabhi) Suman, my sister in law Pinki's sister Anjali and my sister in law Pinki's brother in law Ajay Nagoi. Statement has been recorded, heard and is correct. ”

3. Contention

On behalf of the petitioners

Counsel for the petitioners contend that the petitioners have been falsely implicated in the instant case wherein they have no direct role in causing the death of the deceased since the suicide note presented does not disclose their active role in abetting the suicide of the deceased. She further contends that the suicide note being relied upon is not the original one and is indeed a photocopy whose genuineness is yet to be proved. Counsel for the petitioner on assurance from the petitioners submits that the petitioners are ready and willing to join the investigation as and when called for.

Notice of Motion.

On behalf of the State

State counsel who is present in the court accepts notice on behalf of the respondent-state and at the very outset argues that due to constant mental harassment caused at the hands of the petitioners, the deceased took this severe step of ending his life.

It is further argued that the name of the petitioners find specific mention in the suicide note along with other family members of the wife of the deceased and the offence is itself inhuman in nature therefore prays for dismissal of the instant petition.

Heard.

4. Analysis

Before delving into the merits of the case, it is pertinent to understand as to what kind of mental state compels a person to commit suicide. Suicide refers to an act when someone harms themselves with the intent to end their life. The reasons that people attempt suicide are varied and complex, but they often involve severe emotional or physical pain that a person finds unbearable.

Before embarking upon the merits of the case, it deems appropriate to notice the law laid down in the statute which is reproduced herein below:-

“Section 108- Abetment to suicide.- If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

Section 108 BNS directs that whoever abets the commission of suicide ,shall be punished with imprisonment for a term of not less than 10 years, Therefore, the soul of section108 is abetment which is explained under section 46 BNS which reads as follows:-

“Abetment of a thing- A person abets the doing of the thing, who-

First- Instigate any person to do that thing;or

Secondly- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly- Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1-. A person who, by wilful misrepresentation or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.”

Section 46 BNS, clearly mandates that if the accused intentionally aids any act against the victim which leads to the ingredients of Section 108, then it would apply. Therefore, the crux of section 46 is that intention of the accused should be to aid or instigate or abet the deceased to commit suicide.

To convict a person under Section 108 BNS, there has to be clear mens rea to commit offence. It also requires an active act or direct act which leads

deceased to commit suicide finding no other option and the act must be such reflecting intention of the accused to push deceased into such a position that he commits suicide. The prosecution has to establish beyond reasonable doubt that the deceased committed suicide and the petitioner abetted the commission of suicide of the deceased.

Although, the word instigation has not been specifically defined by the statute but has been time and again interpreted by the Apex court in its various judgments. In, “**Ramesh Kumar v. State of Chhattisgarh [(2001) 9 SCC 618]**” the Apex court has held that:-

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.

Also, human mind is an enigma. It is well nigh impossible to unravel the mystery of the human mind. There can be myriad reasons for a man or a woman to commit or attempt to commit suicide; it may be a case failure to achieve academic excellence, oppressive environment in college or hostel, particularly for students belonging to the marginalized sections, joblessness, financial difficulties, disappointment in love or marriage, acute or chronic ailments, depression, so on and so forth.

As Section 108 BNS makes abetment of commission of suicide punishable, therefore, for making a person liable for an offence punishable under

Section 108 BNS, it is a duty of the prosecution to establish that such person has abetted the commission of suicide and for the purpose of determining the act of the accused, it is necessary to see that his act must fall in any of the 3 categories as enumerated under Section 46 of the BNS and, therefore, it is necessary to prove that the said accused has instigated the person to commit suicide or must have engaged with one or more other persons in any conspiracy for seeing that the deceased commits suicide or he must intentionally act by any act or illegal omission, of the commission of suicide by the deceased.

In the instant petition, the allegations against the petitioners are specific and grave in nature supported with a suicide note which clearly makes the prosecution version strong wherein the suicide note categorically states that the deceased was in distress owing to the humiliation attributed to the petitioners.

5. Relief

Consequently, the allegations against the petitioner is very specific and, therefore, this Court does not find any ground and reason to grant any relief of the kind prayed for. Therefore, this petition being sans merit is ordered to be dismissed.

However, it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

20.06.2025
Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>