

**CRM-M-48650-2025**

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****215****CRM-M-48650-2025****Date of decision : 05.09.2025**

Pawan Kumar & Anr.

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Randeep S. Rai, Sr. Advocate with
Mr. Anurag Arora, Ms. Radhika Mehta, Mr. Anurag and
Mr. Arjun S. Rai, Advocates for the petitioners.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, the FIR No.59 dated 15.04.2025 has been recorded in Police Station Cantonment, District Police Commisionerate Amritsar. With regard to commission of abovementioned offence, the petitioners have been arrested. They are in custody since 26.06.2025, and craving for bail in the abovementioned case.

2. Notice of motion.

3. Mr. K.D. Sachdeva, DAG Punjab appears on behalf of the respondent-State, and waives service. Learned State Counsel has filed custody certificate. The same be taken on record.

4. Mr. Harshit Singh, Advocate has put in appearance on behalf of complainant and filed Power of Attorney. The same be taken on record.

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5. Briefly stating the facts emerging from record are that the abovementioned FIR came into being on a complaint submitted by Meenu Tahil W/o Mahinderpal (deceased). By virtue of abovementioned complaint, it was reported by the abovenamed complainant that her husband was having a share, to the extent of 238 sq. yds., in a house situated in Rani Ka Bagh, Amritsar and that the first floor of abovementioned house was let out by the deceased to his parental uncle, i.e. petitioner No.1. According to complainant, the petitioner No.1 was staying in the abovementioned house along with petitioner No.2 & other family members for the last 20-25 years, and that the deceased wanted to get the abovementioned house vacated. It was further alleged by the petitioner that for the vacation of abovementioned house, a litigation was going on between the petitioners and the deceased and that fed up with the quarreling nature of petitioners and their family members, the deceased had shifted his abode to another premises.

6. The complainant further alleged that on 09.04.2025, she received a call from Manoj Kumar that her husband has consumed some poisonous substance at the shop of Dharampal, a relative & partner of the petitioners, and admitted in Amandeep Hospital, Amritsar. According to complainant, she rushed to the hospital along with her son, where Dharampal told her that her husband had visited his shop, to lodge a protest that the petitioners have illegally occupied the house of deceased. As per complainant, the petitioners misbehaved with the deceased and snatched his mobile phone. According to complainant, upset with the abovementioned behavior of petitioners, the deceased consumed poisonous substance.

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7. It is the case of the prosecution that when Mahinderpal passed away, by invoking Section 108 of BNS, FIR was lodged and the petitioners were arrested.

8. Heard.

9. It has been contended on behalf of the petitioners that the petitioners are innocent and any ingredient meant for the offence of abetment to suicide is not made out in the present case. According to petitioners, the version of FIR does not depict a situation created by the petitioners so as to derive deceased Mahinderpal to commit suicide or a situation where he was left with no other option, but to take his own life.

10. In addition to above, it has also been contended on behalf of petitioner that otherwise also, the petitioners are family members of the deceased, being parental uncle and cousin, respectively. According to learned counsel for the petitioners, in fact legal remedy was being availed by the deceased and there was no cause, for him, to commit suicide on the abovementioned ground. While contending that a false story has been cooked-up by the complainant, to settle score with the petitioners, learned counsel for the petitioners has argued that otherwise also, nothing is left to be recovered from the possession of petitioners, and that the trial is not likely to be concluded in near future.

11. *Per contra*, learned State Counsel has argued that there are categorical allegations against the petitioners, and that the trial has already commenced, wherein the statements of material witnesses are yet to be

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recorded. The learned State Counsel has further argued that if the petitioners are released on bail, they are likely to influence the witnesses.

12. It is also significant to mention here that learned counsel for the complainant has also put in appearance by filing his Power of Attorney. However, it has been submitted by learned counsel for the complainant that the petitioners and the complainant belong to the same family, and that on account of settlement between the parties, he has instructions not to oppose the present bail petition.

13. The record has been perused carefully.

14. A perusal of record shows that in the present case, there are certain relevant aspects which needs to be taken into consideration, before arriving at any decision with regard to present bail application. Those factors are: -

- a) that the petitioners are already in custody for a period of 2 months and 9 days;
- b) that investigation in this case is already complete, and therefore, nothing is left to be recovered from the possession of petitioners;
- c) that the trial is not likely to be concluded in near future; and
- d) that detention of the petitioners in judicial lockup is not likely to serve any purpose; and

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioners are entitled for the benefit of bail.



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16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioners are hereby admitted to bail subject to their furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available on the given date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 05, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No