



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-51897-2024
Reserved on: 20th March, 2025
Pronounced on: 25th March, 2025**

Saroj Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vikas Kumar Gupta, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 050 dated 10.05.2024 registered under Section 306 of IPC at Police Station Mehtiana, District Hoshiarpur.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant Vidhi Chand on 10.05.2024, making allegations that his nephew Jaipal was married with the petitioner, who was a divorcee. First wife of Jaipal had died. He had two children from that marriage. He had consumed some poisonous substance on 06.05.2024 and had died. The complainant alleged that he had subsequently come to know that the petitioner had a hand in the suicidal death of the victim, as she had



left home on 06.05.2024 by proclaiming that she would bring her son from the first marriage with her. While alleging that the victim had remained under tension and depression and had ended his life and further that prior to his death, he had made some conversation with the petitioner and that his suicide had been abetted by the petitioner, he prayed for taking action. Investigation proceedings were initiated. The petitioner was arrested on 14.05.2024. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. The ingredients for commission of offence punishable under Section 306 of IPC have not been made out against her. There is no call detail record between herself and the victim. The call details if collected cannot be relied upon want of any certificate under Section 65-B of Evidence Act. There is nothing on record to suggest that she abetted suicide by the victim. Trial will likely to take time. Her further detention would not serve any useful purpose. Therefore, it is urged that she deserves to be released on bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. While pointing out towards Annexure R-4/T which is translation of some audio conversation between the victim and the petitioner, it is stressed that the petitioner abetted suicide by the victim and therefore, it is urged that she does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have abetted suicide by the victim



who was her husband from the second marriage by harassing her on the pretext of bringing her son from the first marriage along with her and by making him stay with them. She is also alleged to have left her matrimonial house. The respondent has relied upon some conversation, which had allegedly taken place between the victim and the petitioner, just prior to his death. On going through the contents of the translation of that audio conversation as placed on record as Annexure R-4/T, it is a debatable question, as to whether, the petitioner had abetted suicide by the victim at all. These questions will be determined on the basis of thorough assessment and evaluation of the evidence to be produced during trial and not by this Court while deciding this petition.

7. The petitioner has been booked for commission of offence punishable under Section 306 of IPC. In order to prove a case under the provisions of Section 306 of IPC, it must be shown that the accused played an active role by an act of instigating or by doing certain acts to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence, which led to suicide, would not amount to an offence under Section 306 of IPC. It is a debatable issue as to whether, the ingredients for commission of offence under Section 306 of IPC have been attracted against the petitioner or not? Keeping in view the period of incarceration of the petitioner, the nature of subject offence and the attending facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner deserves to be released on bail. Accordingly the petition is allowed and the petitioner is ordered to be released on bail subject



to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

25th March, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |