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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-49306-2025 (O&M)

Date of decision: 06.11.2025

Arvinder Kaur**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Baldev Sidhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), the petitioner seeks anticipatory bail in case bearing FIR No. 0126, dated 25.06.2025, registered under Sections 108 and 3(5) of Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') at Police Station Division B, District Amritsar.

2. The aforementioned FIR has been registered on the basis of the statement recorded by complainant Numberdar Ranjit Singh on 25.06.2025 alleging that his cousin brother Kartar Singh was married to Satnam Kaur in the year 1992-93. He had two children. His wife Satnam Kaur and son Harmohit used to quarrel with him and the family members of Satnam Kaur used to support her, due to which, the victim Kartar Singh used to remain tensed and perplexed. About two months back, Satnam Kaur had gone to Australia to see her daughter and came back on 16.06.2025. On 21.06.2025, she had gone to the house of the present petitioner, who is sister of Satnam

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Kaur and on the same night, they had misbehaved with Kartar Singh, had assaulted him and hurled abuses to him, due to which, he had left home and did not return. His sister Gurbachan Kaur had lodged a missing report to the police and on 25.06.2025, his dead body was found from a canal near village Dhund. By alleging that the petitioner and co-accused Satnam Kaur as well as her son Harmohit and brother Omkar Singh abetted suicide by the victim, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Amritsar but the same had been dismissed, vide order dated 12.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case by the complainant, who keeps an evil eye on the property of the victim and wants to usurp the same. In fact, the victim used to remain under pressure as his four brothers and two sisters had died and he was the only one left to take care of his two living sisters. He could not take the pressure and had jumped into the canal and had ended his life. The ingredients for commission of offence under Section 108 of BNS are not at all attracted qua the petitioner. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Hence, it is urged that the present petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned State counsel has argued that there are serious allegations against the petitioner. Her custodial interrogation is required for conducting proper investigation in the matter. Therefore, it is urged that the petition is liable to be dismissed.

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5. This Court has heard the submissions made by both the sides.

6. The petitioner along with co-accused is alleged to have abetted suicide by victim Kartar Singh, who was his brother-in-law. The well settled proposition of law is that in order to bring a case under the provisions of Section 108 of BNS (*which is pari materia with Section 306 of IPC*), 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, the victim was not left with any other option but to commit suicide. She is stated to be residing separately from the victim. Even no suicide note is stated to have been left by the victim, thereby making any sort of allegation against her. Hence, a *prima facie* offence under Section 108 of BNS does not seem to be attracted against the petitioner. Therefore, keeping in view the aforesaid facts, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody. Accordingly, without making any comment on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. She is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event

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of her arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

06.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No