



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-49167-2025

Date of Decision : 13.11.2025

BALJIT KAUR

...Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Rajinder Kaur, Advocate
Mr. Gagandeep Singh, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail has been filed by petitioner, a co-accused in case bearing FIR No.175 dated 21.08.2024, registered against him at Police Station City-I Abohar, District Fazilka, u/s 306, 34 of IPC.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Criminal proceedings in the present case were initiated on the basis of statement of Smt. Beant Kaur, wife of Krishan Singh, resident of Street No.03, Karm Nagar Seed Farm, Abohar, who pointed therein that her husband had died about 06 years ago. She has 03 children. Her elder daughter – Mandeep Kaur, is aged about 25 years, younger to her daughter, is her son - Komalpreet Singh, aged about 22 years and youngest of all is Tejinder Singh @ Rohan @ Datdhi, aged about 20 years, who had studied till 10th and was a labourer. The boy was suffering from fever for the last few days. The doctor, whom they



consulted, diagnosed that the boy was suffering from 'Kala Peliya'. Requisite medicines were being administered to the boy but he used to remain upset. Few days ago, Tejinder Singh had gone to Rajasthan to collect cotton and returned back in the evening on 19.10.2023 as he needed woolen clothes. He also disclosed to her (c) that he would go back to Rajasthan on the following morning. On 20.10.2023, Mandeep Kaur (elder daughter of complainant) was visiting her from Chandigarh. The girl also wanted to collect her woolen clothes and when she entered the room, she saw Tejinder hanging from the ceiling fan. The boy had committed suicide. Relatives were called. Body was kept in mortuary at Civil Hospital, Abohar. Complaint further pointed out that her son was suffering from 'Black Jaundice' and that no one is responsible for his death. Thus, no action be initiated against any person. The said statement of complainant was recorded on 21.10.2023.

Inquest proceedings were conducted. Postmortem examination was also got conducted. In the Viscera report received from chemical examiner, Kharar, no poison was detected. During the course of investigation, a 'Suicide Note' left by deceased was also sent to FSL, Mohali for analysis. After receipt of the report on 19.08.2024, a formal case vide FIR No.175 dated 21.08.2024, under Section 304, 34 of IPC was registered against the present petitioner and her husband and criminal proceedings were set into motion.

3. Apprehending her arrest, Petitioner had moved an application for grant of pre-arrest bail, before the learned Additional Sessions Judge, Fazilka. The same was dismissed, in terms of order dated 11.08.2025. Aggrieved of the said order, the present petition has been filed.



4. Learned counsel submits that petitioner has been falsely implicated in the present case. Falsity of the case set up by prosecution is apparent from the fact that there has been unexplained delay of about 10 months in lodging the FIR. Continuing further, learned counsel submits that deceased died on 20.10.2023 on account of his ill health. At that point in time, the complainant (mother of the deceased) who was aware of all the facts did not hold anyone responsible for her son's death. Learned counsel next submits that after a period of about 10 months, petitioner was arrayed as accused on the basis of a 'Suicide Note' written by the deceased, in which he (deceased) had levelled vague allegations against the petitioner and her husband. Continuing further learned counsel contends that a bare perusal of the said note reveals that the deceased was addicted to intoxicants. Precisely for the said reason his mother had taken him to her parental house. The boy alleged that his maternal uncle (mama ji) and aunt (mami ji) (present petitioner) were not allowing him to reside in the house. There were frequent quarrels between the mother of the deceased, his aunt and uncle. Towards the end, he (deceased) mentioned that his aunt and uncle are responsible for his death.

In the note, it has not been specified as to how the petitioner and her husband were harassing the deceased. Simply because they were not allowing him to reside in their house on account of his vices does not indicate that the couple had incited, instigated or abetted the deceased or brought him to such a situation in life where he had no option but to commit suicide. No positive overt-act on the part of the petitioner, soon before the death of the deceased, has been referred to in the suicide note, which propelled/compelled him to end his life.

Learned counsel further contends that if deceased was actually upset on account of misbehavior of maternal uncle and aunt (petitioner), who were not letting



him stay in their house and were fighting quite often, he would have brought this to the notice of his mother, siblings, close friends etc. before taking this extreme step and the mother would have been the first person to lodge the complaint. Rather mother of the deceased in her first statement given to the police authorities specifically mentioned that he was suffering from 'Black Jaundice' and was on regular medication, as also that he was working as a labourer and had gone to Rajasthan to fetch cotton and had returned back home to collect woolen clothes as winter had set in. Further, even his sister was visiting the house to collect her woolen clothes when the unfortunate incident occurred. From the facts that have been brought on record, it thus, emerges that deceased and his mother were living separately. Moreover, in the suicide note, allegations levelled are vague, for it has not been pointed out as to when petitioner and her husband had quarrelled with deceased, what was the reason thereof. Thus, when appreciated in the light of entire facts and circumstances brought on record, no prima facie case u/s 306 IPC is made out.

In support of her contentions, learned counsel places reliance on following judgments:-

- (i) ***S. S. Cheena Vs. Vijay Kumar Mahajan, (2010 (12) SCC 190)*** of Hon'ble Supreme Court.
- (ii) ***Sarabjeet Kaur Vs. State of Punjab, (CRM-M No. 40443 of 2022)*** of Punjab and Haryana High Court.
- (iii) ***Malkeet Kaur Vs. State of Haryana, (CRM-M No.42593 of 2024).***

Summing up his arguments, learned counsel contends that the presence of appellant is not needed for custodial interrogation, as nothing is to be



recovered from her. Nonetheless, she is ready and willing to join the investigations as and when required by the Investigating Officer.

5. Per contra, learned State counsel contends that complainant, a middle aged woman, who had lost her husband was extremely disturbed when her youngest son committed suicide. At that point in time, she was not mentally fit to narrate all the facts. Simply because in her first statement, she did not level any allegations against her brother and sister-in-law (petitioner) would not be a ground to presume that the entire case set up by the prosecution is totally false. As soon as the 'Suicide Note' came to the notice of the family members, the same was handed over to the police, who sent it to FSL, Mohali for examination. After receipt of report which confirmed that the said note was written by the deceased, criminal proceedings were initiated.

Learned counsel, thus, submits that in view of seriousness and gravity of offence and in the wake of allegations levelled by deceased in the suicide note against petitioner and her husband (mami and mama, respectively of deceased), no case for grant of anticipatory bail is made out and dismissal of the present petition is prayed for.

6. Before expressing any opinion on the merits of the rival contentions raised by both, learned counsel for accused-petitioner and learned State counsel, it would be most appropriate to go through certain relevant judgments of Hon'ble Supreme Court on the issue in hand:-

In recent judgment of Hon'ble Supreme Court in ***Abhinav Mohan Delkar Vs. The State of Maharashtra & others, (2025(3) RCR (Criminal) 871)***, it has been observed as under:-



“22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of [Section 306](#) read with [Section 107](#), still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one's life. Figuratively, 'the straw that broke the camel's back'; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.

23. The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under [Section 306](#).

24. We have already seen that even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly



discern an intention, would not be the proper application of the penal provisions under [Section 306](#).”

In ***Amalendu Pal v. State of W.B., (2010) 1 SCC 707***, Hon’ble Supreme Court has also explained the parameters of Section 306 in following words:

"12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under Section 306 IPC, the court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the (2010) 1 SCC 707 accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable. 13. In order to bring a case within the purview of Section 306 IPC there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Therefore, the act of abetment by the person charged with the said offence must be proved and established by the prosecution before he could be convicted under Section 306 IPC."

These principles and necessary ingredients of Section 306 and 107 of Indian Penal Code were reiterated and summarized by Hon’ble Supreme Court in recent case of ***Gurucharan Singh vs State of Punjab, (2020) 10 SCC 200***.

"13. After carefully considering the facts and evidence recorded by the courts below and the legal position established through statutory and judicial pronouncements, we are of the view that there is no proximate link between the marital dispute in the marriage of deceased with appellant and the commission of suicide. The prosecution has failed to collect any evidence to substantiate the allegations against the appellant. The appellant has not played any active role or any positive or direct act to instigate or aid the deceased in committing suicide. Neither the statement of the complainant nor that of the colleagues of the deceased as recorded by the Investigating Officer during investigation



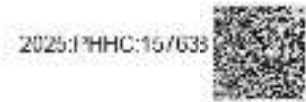
suggest any kind of instigation by the appellant to abet the commission of suicide. There is no allegation against the appellant of suggesting the deceased to commit suicide at any time prior to the commission of suicide by her husband."

Similarly, in ***Mahendra Awase vs. The State of Madhya Pradesh***, (DOD: 17.01.2025, 2025 INSC 76, in para No.20, the Hon'ble Apex Court, observed as under:

"20. This Court has, over the last several decades, repeatedly reiterated the higher threshold, mandated by law for Section 306 IPC [Now Section 108 read with Section 45 of the Bharatiya Nyaya Sanhita, 2023] to be attracted. They however seem to have followed more in the breach. Section 306 IPC appears to be casually and too readily resorted to by the police. While the persons involved in genuine cases where the threshold is met should not be spared, the provision should not be deployed against individuals, only to assuage the immediate feelings of the distraught family of the deceased. The conduct of the proposed accused and the deceased, their interactions and conversations preceding the unfortunate death of the deceased should be approached from a practical point of view and not divorced from day-to-day realities of life. Hyperboles employed in exchanges should not, without anything more, be glorified as an instigation to commit suicide. It is time the investigating agencies are sensitised to the law laid down by this Court under Section 306 so that persons are not subjected to the abuse of process of a totally untenable prosecution. The trial courts also should exercise great caution and circumspection and should not adopt a play it safe syndrome by mechanically framing charges, even if the investigating agencies in a given case have shown utter disregard for the ingredients of Section 306."

This being the settled position of law on the subject in issue, it is equally settled that the grant of anticipatory bail is an exceptional remedy, which can be availed by the accused if he/she is able to make out a case of exceptional depravity/hardship in his/her favour.

In the case in hand, in view of the submissions advanced by learned counsel for the petitioner and the documents available on record but without further commenting on the merits of the case, the Court is of the opinion that



petitioner has been able to make out the case of exceptional depravity/hardship in his favour, entitling for the grant of this extra ordinary relief of pre-arrest bail, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(AARADHNA SAWHNEY)
JUDGE

13.11.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No