



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-52883-2025
Date of Decision : 06.11.2025

RANJANA BHATIA @ SHWETA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Dheerja, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Ravinder Singh, Advocate
for the complainant.

AARADHNA SAWHNEY, J. (ORAL)

1. This petition for grant of anticipatory bail under Section 482 BNSS, has been filed by petitioner, an accused in case bearing FIR No.186 dated 13.08.2025 registered against him at Police Station Sadar, Ludhiana, at the instance of Harmesh Lal (complainant), for the commission of offences punishable u/s 108 of BNS.

2. *Criminal proceedings in the present case were initiated against petitioner on the statement of Harmesh Lal, a businessman by profession, son of Chunni Lal, resident of House No.44/A, Block A, Canal View, Doraha Road, Ludhiana, alleging therein that he has two children. His daughter Payal Sharma is married. His son Vivek Sharmam, aged about 39 years was married earlier*



with Mangla Sharma. Unfortunately, the couple could not live together peacefully and thus, the marriage was legally dissolved about 03 years ago. Vivek has been working with him(complainant) in the factory. At about 07.15 PM on 12.08.2025, Vivek disclosed that his friend's mother is admitted in Forties Hospital, Ludhiana and that he would be visiting the hospital to donate blood, thus, would return back home on the following day i.e. 13.08.2025. However, when Vivek did not return back, the family tried to contact him but his phone was switched off. Anxiety got the better of them and thus, the family members started looking for Vivek. Incidentally, when they went inside Vivek's room, they found red coloured diary near the table which contained 'Suicide note' in the handwriting of Vivek. In the note, the boy alleged that petitioner and her friend are responsible for his death. They have harassed him. Though Shweta @ Ranjana Bhatia (present petitioner) had sworned in the name of 'Shyam Baba' that she would never bother/pressurize him for getting married but she has not kept her promise. Of late, she has been harassing and blackmailing him.

Complainant, a distressed father, further mentioned in the complaint that his son Vivek was friends with Shweta Bhatia (petitioner) and had disclosed the girl that they cannot marry each other. Initially Shweta agreed to this but later she started bothering and harassing his son Vivek to get married to her. Towards the end, complainant requested the police authorities to catch hold of all those responsible for the untimely and tragic death of his only son Vivek, as also to initiate appropriate criminal proceedings against them.

On the basis of the said complaint, a formal case vide FIR No.186 dated 13.08.2025, under Section 108 of BNS was registered against the present



petitioner and her unknown friend and criminal proceedings were set into motion.

Investigation is still underway.

3. Apprehending her arrest, present petitioner had moved an application for grant of pre-arrest bail, before the learned Additional Sessions Judge, Ludhiana. The same was dismissed, in terms of order dated 10.09.2025. Aggrieved of the said order, the present petition has been filed.

4. Learned counsel for the petitioner submitted that totally false allegations have been levelled against the petitioner. Petitioner and deceased both of whom were legally divorced, had met on a matrimonial site. They became fond of each other and used to meet very frequently. While drawing attention of the Court to the copies of '*WhatsApp chats*', learned counsel contended that petitioner and deceased were indulging in intimate conversations as well. Their relationship was more than that of just '*casual friends*'. These chats reveal the extent to which the two were emotionally attached. In one such conversation, deceased had agreed to get married to petitioner. In fact, just before he took this extreme step of ending his life, he had planned to have a lunch outing with her (P). Moreover, even though in the suicide note, deceased alleged that petitioner is blackmailing him, but the copies of '*WhatsApp*' conversation between the two does not substantiate his accusation. Initially, deceased was the person, who posed the question of marriage but later since his father was against this relationship, he changed his stance. Being a person of extremely sensitive nature, deceased could not handle the emotional conflict.

In fact, conversations reveal that when deceased had refused to marry petitioner, she had stopped responding to his calls, it was only on his persistent calls that she attended to one such call and their talks re-started. These



conversations, also reveal that the two were indulging in frequent phone sex. The content of conversations, as per learned counsel, does not indicate that deceased was being pressurized by petitioner or that she had incited or had brought him to such a situation in life where he had no other option but to commit suicide. No positive overt-act, on the part of the petitioner, soon before the death of deceased, can be inferred from these conversations. In fact one of these talks also goes to show that petitioner had talked to father of the deceased on an earlier occasion and had also told him (deceased) so, to which he had replied that he would himself sort out the matter. Moreover, in the suicide note, deceased did not highlight as to how petitioner was blackmailing him. Thus, contents of copies of 'WhatsApp' conversations when read as a whole, no *prima facie* case under Section 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. Detailed reply dated 31.10.2025 has been filed on behalf of the complainant, which is taken on record.



Learned State counsel and learned counsel for the complainant have opposed the prayer of the petitioner for grant of anticipatory bail on the ground that deceased had made it clear to petitioner that he would not legalize relationship with her but she had been persistently following him and had issued threat that she would defame him in the society which caused immense emotional trauma to him (deceased), who could not bear the pressure and thus, it was on account of these threats that the deceased took this extreme step. Continuing further, learned counsel referred to the copies of 'WhatsApp' conversation between deceased and petitioner, which according to him, substantiate the stand of the complainant.

In support of his submissions, learned counsel has also relied upon the judgment passed by a co-ordinate Bench of this Court in ***Neha Vs. State of Haryana, (CRM-M No.19228-2023)***. Learned counsel, thus, submits that in view of seriousness and gravity of offence, custodial interrogation of petitioner is needed to find out about her other friend, who was also involved in the incident. 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 Public Prosecutor for the State accompanied by learned counsel for complainant, 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

06.11.2025
Nisha Yadav

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