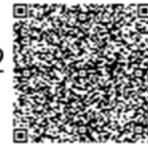


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:041332



(208)

CRM-M-59960-2024

Decided on : 26.03.2025

Meenu

.....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Nagar Singh, Advocate for
Mr. Anirudh Singh Shera, Advocate for the petitioner (s).

Mr. Neeraj Sheoran, DAG, Haryana.

Mr. Parmod Chauhan, Advocate, for the complainant
(through V.C.).

Sumeet Goel (Oral):

1. Apprehending his arrest in FIR No.234 dated 22.06.2024 registered for offences punishable under Sections 306, 34 of IPC at Police Station Sector-27, District Sonipat; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

2. On 15.01.2025, the following order was passed:-

“In compliance of order dated 14.01.2025, PSI Deepak is present and he has apprised the Court that Mahender Thanedar is yet to be apprehended.

Learned State Counsel seeks more time to have instructions in the matter.

Posted for 10.02.2025.

In the meanwhile, arrest of the petitioner shall remain stayed.

3. On 10.02.2025, the following order was passed:-

“Learned State Counsel seeks time to have instructions.

Posted for 26.03.2025.

Order dated 15.01.2025 is modified to the extent that petitioner shall join investigation before the Investigating Officer, but he be not arrested till the next date of hearing.”

4. Learned State counsel has filed additional status report by way of affidavit of Mr. Rajpal Singh, HPS, Assistant Commissioner of Police (Crime), District Sonipat. The same be kept on record.

5. Raising submissions in tandem with the said additional status report filed, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner.

6. Learned counsel for the complainant has also vociferously opposed the grant of anticipatory bail to the petitioner by submitting that allegations made against the petitioner are serious in nature and in case the petitioner is granted the concession of anticipatory bail, the petitioner is likely to influence the investigation and also the witnesses.

7. Having heard learned counsel for the rival parties and after perusing the record; this Court is of the opinion that it would be a debatable issue as to whether the offence under Section 306 IPC is made out or not, in view of the dicta of the judgment of Hon'ble Supreme Court passed in ***Mohit Singhal & Anr. Vs. The CRM-M-State of Uttarkhand & Ors., (Neutral Citation No.2023 INSC1035)*** relevant whereof reads as under:

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.

10. In the present case, taking the complaint of the third respondent and the contents of the suicide note as correct, it is impossible to conclude that the appellants instigated the deceased to commit suicide by demanding the payment of the amount borrowed by the third respondent from her husband by using abusive language and by assaulting him by a belt for that purpose. The said incident allegedly happened more than two weeks before the date of suicide. There is no allegation that any act was done by the appellants in the close proximity to the date of suicide. By no stretch of the imagination, the alleged acts of the appellants can amount to instigation to commit suicide.....”

8. *Ergo*, in view of the entirety of the facts and circumstances of the case, the orders dated 15.01.2025 & 10.02.2025 granting interim anticipatory bail to the petitioner are hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.
9. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
10. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.
11. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
12. Pending application(s), if any, shall also stand disposed off.

March 26, 2025
Naveen

(SUMEET GOEL)
JUDGE

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