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2025:PHHC:148980



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: October 30, 2025

Jai Bhagwan

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Sachin Mankash, Advocate for the petitioner.

Mr. Deepak Kumar Grewal, DAG Haryana.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner in case bearing FIR No.172 dated 29.04.2024, registered for the offences punishable under Section 306 of the Indian Penal Code, 1860 (for short ‘IPC’), at Police Station Narnaund, District Hansi.

2. The gravamen of the allegations against the petitioner is that complainant, namely, Vikram stated that his father, namely, Rajbir (deceased) was employed at the Sugar Mill, Panipat, and was due to retire on 30.04.2024. However, on 28.04.2024, at around 4:00 p.m., his father left the house without informing any family members. The family waited for his return until about 7:30 p.m., but he did not come back. Subsequently, the

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complainant, along with Alok, went to their fields, where they found his father sitting. Upon inquiry, his father disclosed that he had consumed poison. Thereafter, the complainant immediately took his father to the Civil Hospital, Jind, where he was declared dead. Later, a suicide note was found in his father's bag, wherein he stated that he had taken the extreme step due to Jai Bhagwan (*petitioner herein*), who had borrowed a sum of ₹5.70 lakh from him in May 2020 for the marriage of his daughter but had failed to return the said amount.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 15.07.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that suicide note alleged to have been written by the deceased-Rajbir, even if assumed to be true, would not invoke offence under Section 306 of IPC. Learned counsel has further iterated that in any case, investigation is complete and challan already stands presented. Learned counsel has argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 29.10.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

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6. The petitioner was arrested on 15.07.2025 whereinafter investigation was carried out and challan has been presented on 19.08.2025. Total 24 prosecution witnesses have been cited, but none has been examined till date. The conclusion of the trial, indubitably, will take its own time. The rival contention raised at Bar; including as to whether offence under Section 306 of IPC would be made out or not in the factual matrix of the case in hand; give rise to debatable issues, which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. At this juncture, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court in the case of ***Mohit Singhal and another versus The State of Uttarakhand and others, 2024(1) RCR (Criminal) 72***, wherein, it has been held as under:

“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.”

6.2. As per custody certificate dated 29.10.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 03 months and 13 days, & is not shown to be involved in any other FIR(s).

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Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

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10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

October 30, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No