



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

CRM-M-63639-2024

Date of Decision: 28.01.2025

Priya

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present : Mr. Japjit Singh Johal, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 482 of B.N.S.S with a prayer to grant anticipatory bail to her in case FIR No.72, dated 11.08.2024, under Sections 108,3(5) of B.N.S, registered at Police Station Chabbewal, District Hoshiarpur (Annexure P-1).
2. While granting the interim anticipatory bail, this Court had noticed the following contentions:-

“The son of the complainant-Kuldeep Singh, committed suicide by consuming some poisonous substance, that too when the deceased was at his in-laws house and thereupon, a complaint has been filed which resulted in registration of the instant FIR, against the present petitioner, who is none-else but the wife of the deceased (daughter-in-law of the complainant) and against Anita Devi (mother of the present petitioner). What surfaced from a perusal of the file that Anita Devi has been exonerated by the investigating agency, and only the present petitioner is now facing the criminal action, arising out of the instant FIR. Having apprehension to be arrested, the petitioner has filed the instant petition seeking the asked for relief (supra). Learned counsel for the

petitioner inter alia submitted that the petitioner is aged about 20 years, and recently lost her husband, and has no role whatsoever, in committing the offence of abetment. While referring to the allegation in the FIR (supra), he submits that it was the petitioner and her mother, who took the deceased immediately to the hospital, moment they came to know that the deceased has consumed some poisonous substance. Therefore, this fact alone dispel the mens rea, which is one of the essential ingredients to invite the mischief of Section 45 of the BNS, 2023. He further submits that the only allegation against the present petitioner is that she is a quarrelsome lady, and pick up quarrel on small issues, which led her husband to commit suicide, although, there is no specific allegation of abetment in the entire FIR (supra), against the present petitioner. He also submits that the basic ingredient of Section 108 and 3(5) of BNS, 2023, are totally absent, so as to constitute abetment, intention and involvement of petitioner, to aid or to instigate commission of suicide, is imperative. In case of absence of any ingredient the mischief of above Sections cannot be invoked.

3. Learned counsel for the petitioner submits that in compliance of the order dated 18.12.2024 passed by a Co-ordinate Bench of this Court, the petitioner has joined the investigation.

4. Learned State counsel also submits that the petitioner has joined the investigation and is no longer required for further investigation.

5. In view of the above statement made by learned counsel for the parties, the interim order dated 18.12.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 482 (2) of B.N.S.S/438(2) of Cr.P.C.

28.01.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE