

**CRM-M-61895-2025****-2-**

treatment. On moving an application, his statement was recorded by the treating doctor. The victim disclosed that he was involved in the business of kitties/committees and had taken up kitties worth Rs.20 lakhs on the advice of the petitioner. He had spent that money. The petitioner, thereafter, started harassing the victim due to which he was very upset with him and had consumed a poisonous substance. The victim died on 20.09.2025. The post-mortem of his dead body and inquest proceedings were conducted. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail which was dismissed by the learned Additional Sessions Judge, Amritsar vide order dated 28.10.2025.

2. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact the victim and his father had taken an amount of Rs.20 lakhs from him for their domestic needs. They had executed an agreement to return the amount so taken by 10.09.2025. He had never harassed or threatened the victim. No pressure was put by him on the victim for return of money. The FIR was registered against him with the motive not to return the money. The ingredients for commission of offence punishable under Section 108 of BNS are not at all attracted against him. He was even extended benefit of interim bail by the Court of learned Additional Sessions Judge, Amritsar and had joined the same but his petition was subsequently dismissed. His custodial interrogation is not required. He is ready to join the investigation. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

**CRM-M-61895-2025****-3-**

3. Status report has been filed. It is argued by learned State Counsel that there are serious allegations against the petitioner as he abated suicide to the victim by continuously harassing him by raising demand of Rs.20 lakhs which was given by way of kitty/committee and thereby compelling him to consume some poisonous substance and to end his life. The allegations against the petitioner are serious in nature. For conducting thorough and proper investigation in the matter, his custodial interrogation is must. Accordingly, it is stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for both the parties.

5. As per the allegations, the victim had consumed some poisonous substance on 19.09.2024 on being pressurized by the petitioner to return an amount of Rs.20 lakhs as given to the victim and on being feeling humiliated. The petitioner has been booked for commission of offence punishable under Section 108 of BNS which is *pari materia* with Section 306 of IPC. The essential ingredients for commission of this offence are; (i) the abetment; and (ii) the intention of the accused to aid or instigate or abet the victim to commit suicide. The act of accused, however insulting for victim will not, by itself constitute the abetment of suicide. It is well settled proposition of law that in order to bring a case under the provisions of Section 306 of IPC, the person who is said to have abetted the commission of suicide must be proved to have an active role either by instigation or by doing some certain specific act to facilitate the commission of suicide and mere harassment



CRM-M-61895-2025

-4-

without any positive action on the part of the accused proximate to the time of occurrence which led to suicide would not amount to offence under Section 306 of IPC. The act of an accused, however, insulting for the victim will not by itself constitute the abetment of suicide and there must be some material capable of suggesting that the accused intended by his/her act to instigate the accused to commit suicide. Reference in this regard can be made to '*M. Arjunan Vs. The State (2019) 3 SCC 315*', wherein the Hon'ble Supreme Court had made similar observations. In the instant case, at this stage, there is no material on record to show that the petitioner had instigated, provoked, incited, goaded or encouraged the victim to commit suicide. It might be so that the victim being hyper-sensitive to ordinary petulance or discord took the drastic step to end his life which prima facie does not bring the case within the ambit of Section 108 of BNS. It is only on the basis of thorough assessment of the evidence to be produced during trial that any conclusion can be drawn as to whether it was a case of abatement by way of instigation, provoking or inciting the victim to commit suicide. The petitioner does not have any criminal antecedent. He has joined investigation before the Court of learned Additional Sessions Judge, Amritsar also. Given the nature of the allegations and taking into consideration the above discussed facts peculiar to this case, this Court is of the considered opinion that no case for pre-trial incarceration of the petitioner is made out. Moreso, pre-trial incarceration should not be a replica of post-conviction sentencing. Accordingly, the petitioner has made out a case for allowing the petitioner, which is accordingly

**CRM-M-61895-2025****-5-**

allowed. The petitioner is directed to join investigation by surrendering before the Investigating Officer/Arresting Officer within a period of 15 days from today and he shall also join investigation as and when required further and shall be bound by the conditions laid down in Section 482(2) of BNSS.

6. It is clarified that if the petitioner violates any bail condition, the State shall be at liberty to file an application for cancellation of the bail before the trial Court.

7. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

11.12.2025
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No