

CRM-M-64262 of 2024

2025:PHHC:101299



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

CRM-M-64262 of 2024

Date of decision: 06.08.2025

Bano Devi

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Ajay K. Dahiya, Advocate,
for the petitioner.

Mr. Ramendra Singh Chauhan, AAG, Haryana.

Mr. Abhishek Sindhwani, Advocate, and
Mr. Sahil Dalal, Advocate,
for the complainant.

NAMIT KUMAR, J.

1. Instant petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case FIR No.282 dated 28.09.2024 registered under Sections 108, 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Safidon, District Jind.
2. Present FIR has been registered on the statement of Ram Mehar son of Jiya Lal on the allegations that he is working as driver in Haryana Roadways Jind Depot and he was got married on 22.05.2010 to Laxmi D/o Baljinder R/o Village Kithana, District Jind. Out of this wedlock a male child was born named Uwan aged 12 years. His wife was recruited as MPHW in Health department of Haryana in 2022 and was posted in village Bhuslana HWC in February, 2024 and his wife was in tension since 15-20 days. When he asked her about the reason she told that the staff of the

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Bhuslana HWC was annoying her. The ASHA worker of that center did not obey her and when she complained about ASHA worker Bano (petitioner), she filed a complaint alleging of passing some casteist remarks. Pardeep IA, Jagdish Coordinator and petitioner-Bano ASHA workers were making false complaints about her before SMO. Pardeep was compelling his wife to have friendship with him and was having a bad eye on her. Laxmi was under stress because of staff behaviour. On 27.09.2024, petitioner-Bano, Pardeep and Jagdish compelled Laxmi to sign on some fake bills which she refused. After that petitioner snubbed her saying that she was working in their village and still messing with them. Resultantly her wife consumed intoxicant substance after being targeted by petitioner, Pardeep and Jagdeep. When he received information about this he reached Civil Hospital, Safidon where her wife told him about this. Her wife had clicked a photo of suicide note in her mobile in which she wrote that reason behind this attempt to suicide is being annoyed by Jagdeep coordinator, Pardeep IA and petitioner-Bano ASHA worker. They made a video of inquiry during treatment of Laxmi in Safidon Hospital in a mobile. Pardeep, Jagdeep and petitioner-Bano all employees of HWC have compelled his wife Laxmi to this extent and she consumed intoxicant substance, who expired in Prem Hospital, Panipat, during treatment.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case as she never harassed or humiliated or instigated the deceased to commit suicide at any point of time. He further contended that the allegations against the petitioner

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are totally false and baseless. There is no specific allegations against the petitioner. He further contended that the petitioner has nothing to do with the alleged occurrence. He further contended that there is no direct incitement on the part of the petitioner to compel the deceased to commit suicide, therefore, Section 108 of the BNS, 2023 is not attracted against the petitioner. Petitioner has no occasion to harass the higher officials like wife of the complainant. In support of his contention, learned counsel for the petitioner has referred to the judgment of the Hon'ble Supreme Court in ***Nipun Aneja and others v. State of Uttar Pradesh, 2024(4) RCR(Criminal) 753***, wherein it was held as under: -

“21 The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations



of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.”

He further contended that co-accused Jagdeep Singh was granted interim anticipatory bail vide order dated 09.12.2024 passed in CRM-M-61337 of 2024, which has been confirmed by this Court vide order dated 03.04.2025. Learned counsel further submitted that investigation in the present case is complete; challan has been presented; out of total 30 prosecution witnesses none has been examined as yet and even the charges have not been framed and next date of hearing before the trial Court is 08.09.2025. He further submitted that the petitioner is not involved in any other case. She is behind bars since 02.10.2024. He further submitted that trial may take a considerable time to conclude, therefore, no fruitful purpose would be served by detaining the petitioner behind bars.

4. *Per contra*, learned State counsel assisted by learned counsel for the complainant has opposed the prayer for grant of regular bail to the petitioner on the ground that name of the petitioner has specifically been mentioned in the suicide note by the deceased. Therefore, keeping in view the gravity of the offence, petitioner does not deserve the concession of

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regular bail. However, he does not dispute that investigation in the present case is complete; challan has been presented; out of total 30 prosecution witnesses none has been examined as yet and even the charges have not been framed and next date of hearing before the trial Court is 08.09.2025.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the custody of the petitioner, which is eight months; co-accused Jagdeep Singh has already been granted the concession of anticipatory bail; she has no other criminal antecedents; all the prosecution witnesses are yet to be examined, even the charges have not been framed till date and the conclusion of trial may take a long time, however, without commenting upon the merits of the case, the petitioner is ordered to be released on regular bail during trial on her furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

7. The petition stands disposed of accordingly.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

06.08.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No