



CRM-M-62307-2025

1

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

05

CRM-M-62307-2025

Reserved on: 07.11.2025

Pronounced on:17.11.2025

SANJAY SHARMA

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Sant Pal Singh Sidhu, Sr. Advocate with
Mr. Deepak Arya, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

Mr. Ruchi, Advocate &
Mr. Navneet Sethi, Advocate
for the complainant.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023, hereinafter being referred to as 'BNSS', for anticipatory bail, in a case arising out of FIR No.554 dated 18.10.2025 under Sections 108, 3(5), 351(3) of BNS, 2023, Police Station Sector-58, District Faridabad.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being on a complaint submitted by Aditya Chaudhary who, pursuant to the suicide committed by his father, stated that his father namely Raj Kumar Chaudhary, a resident of Shyam Colony Ballabgarh Faridabad, had told him (complainant) and his mother that Amarjit Chawla, Sanjay Sharma



and two sons of Sanjay Sharma, namely Kartik Sharma and Kunal Sharma, alongwith Netrapal Chauhan, Vinit and Puneet, Jameel Malik, Sabir Khan, Rahis Khan and Dinesh Sarpanch had usurped his money and that they were not returning the same, causing acute mental harassment to him. According to complainant when his father talked to Amarjit Chawla for return of money, Amarjit Chawla and above-mentioned persons threatened complainant's father to implicate him in false cases by taking advantage of their good relations with the officers in Police Department. It was further stated by the complainant that his father was being mentally harassed by the above-said persons by calling him from unknown numbers, and extending threats to his life.

3. In addition to above, the complainant also alleged that in order to pressurize his father on 09.10.2025, he was called in the office of Commissioner of Police, and that on that occasion an attempt was made to inflict injuries on his person. While alleging that on account of above-mentioned harassment his father committed suicide, while leaving a suicide note, the complainant requested for taking action against the culprits.

4. It is the case of the prosecution that on the basis of above-mentioned complaint formal FIR of this case was lodged and investigation taken up.

5. Heard.

6. It has been contended by learned counsel for the petitioner that petitioner is innocent, and that without any fault on his part merely with an intention to extract money from the petitioner he has been falsely roped him in the present FIR.



7. According to learned counsel for the petitioner, there was a dispute with regard to payment of money between the petitioner and the deceased, and that qua above-mentioned dispute legal steps were taken by the petitioner. As per learned counsel for the petitioner, since the petitioner was pursuing his legal remedies to settle his dispute with the deceased, the allegations with regard to harassment leading to suicide cannot sustain. During the course of his arguments, the learned counsel for the petitioner has referred to the contents of paragraph No.7 of the instant petition, wherein various the details of cases going on between the petitioner and the deceased have been mentioned. The above-mentioned details are reproduced as under:-

- a) Suit for possession by way of specific performance bearing CS No.2396 of 2024 titled Sanjay Sharma (petitioner) vs. Raj Kumar and others.
- b) Suit for permanent injunction bearing CS No.864 of 20.03.2025 titled M/s H.L.K.R. Trading Co. Ltd through its Director/Authorized representative Sanjay Sharma (petitioner) Vs. Raj Kumar etc.
- c) Arbitration Case No.001 of 2025 titled Raj Kumar Vs. Sanjay Sharma (petitioner) filed by the deceased Raj Kumar on the basis of forged MoU dated 27.01.2023, in which, the petitioner filed an application for dropping off the proceedings, as the petitioner denied the said agreement.
- d) Complaint made by the petitioner vide Diary No.691 to the Commissioner Police regarding forged MoU dated 27.01.2023 prepared by the aforesaid Raj Kumar.



- e) FIR No.56 dated 29.01.2024 under Section 406, 506 IPC Police Station Adarsh Nagar District Faridabad lodged by the petitioner against the deceased Raj Kumar.
- f) FIR No.371 dated 25.04.2024 under Section 406, 420 IPC Police Station Sector-58, District Faridabad lodged by the petitioner against the deceased Raj Kumar and others.
- g) FIR No.485 dated 10.09.2025 under Section 308(2), 351(2) IPC Police Station Sector-58, District Faridabad lodged by the petitioner against the deceased Raj Kumar and others.

8. It has also been contended by learned counsel for the petitioner that in the present case in fact it was the deceased, who had victimised the complainant and caused huge loss to the complainant, but when he found that he has been cornered due to multiple litigations, by playing a victim card he committed suicide. According to learned counsel for the petitioner there is no allegation against the petitioner that he had ever instigated, provoked or abetted the deceased to commit suicide. As per learned counsel for the petitioner for want to such allegations any offence under Section 108, 3(5), 351(3) of BNS is not made out.

9. The learned counsel for the petitioner in support of his arguments has placed reliance upon the principles of law laid down by the Hon'ble Supreme Court of India in the case of ***R. Shashirekha versus State of Karnataka and Others SLP (Criminal No.14900 of 2024)***, wherein it has been ruled that if there is no proximate or direct instigation leading to deceased suicide, the FIR under Section 306 deserves to be quashed.

10. In addition to above, learned counsel for the petitioner has also referred to the principles of law laid down by Hon'ble Supreme Court of India



in the case of *State of Kerala and Others Versus S. Unnikrishnan Nair and Others 2015 AIR Supreme Court 3351*, wherein it has been held that if the suicide note does not state about continuous conduct of harassment and the allegations against the accused are vague, the FIR under Section 306 IPC deserves to be quashed.

11. In the case of *Abhinav Mohan Delkar versus The State of Maharashtra & Ors* the Hon'ble Supreme Court of India has ruled that abetment to suicide under Section 306 IPC requires direct or indirect act of instigation or incitement in close proximity to the commission of suicide alongwith clear mens rea to abet the act.

12. In the light of above-mentioned principles of law, the learned counsel for the petitioner has contended that the principles of law laid down in the above-mentioned cases squarely cover the factual-matrix of the present case and therefore, no prima facie case against the petitioner is made out. According to learned counsel for the petitioner in such circumstances the petitioner is entitled for the benefit of anticipatory bail.

13. Per contra, the learned State counsel, being assisted by learned counsel for the complainant, has argued that in the present case there are very specific and categorical allegations against the petitioner and his co-accused that they cornered the deceased and placed him in a tight spot, by causing monetary loss to him involving him in litigation, and thereafter threatening him of dire consequences repeatedly.

14. According to learned counsel for the complainant in the present case in fact there was a dispute with regard to settlement of accounts between



the petitioner and the deceased, and that the petitioner by taking advantage of his position and contacts in Police Department cornered the deceased to the extent that he was left with no option but to get rid of the miseries being faced by him by ending his life. According to learned counsel for the complainant the mental state of the deceased, who took the extreme step is reflected from the contents of suicide note, wherein, very specific and direct allegations against the petitioner have been made.

15. The record has been perused carefully.

16. A perusal of record shows that in the present case a very delicate situation has come on surface. On one hand it is an admitted fact that there were multiple proceedings between the petitioner and the deceased. Those proceedings were not only of civil nature but of criminal nature also, and on the other hand there is suicide note of the deceased, wherein very specific, categorical and direct allegations against the petitioner have been levelled. In the above-mentioned circumstances, it is hereby held that the truth can be extracted if opportunity to interrogate the petitioner is afforded to the Investigating Agency.

17. As far as the benefit of anticipatory bail is concerned, repeatedly it has been held by the Hon'ble Supreme Court that anticipatory bail is not a right of an accused.

18. In the present case, at the very outset, it is pertinent to mention here that the petitioner is seeking extraordinary remedy by claiming the benefit of anticipatory bail. With regard to such relief, the Hon'ble Supreme Court in the case of *Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282*,



has observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

19. The Hon'ble Supreme Court in the above-mentioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

20. Similarly, in the case of ***Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another (Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024)***, the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

21. Similarly, in the case of ***Gurbaksh Singh Sibba etc. v. State of Punjab 1980 SCC (2) 565***, the Hon'ble Supreme Court of India held that:-

- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.



- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

22. If the factual matrix of the instant case is analyzed in the light of above-mentioned law, it transpires that in the present case at this stage, where the entire evidence with regard to reason behind that death of deceased is yet to be collected by the Investigating Agency, the denial of right of custodial interrogation to the Investigating Agency may hampered the investigation, and thus the investigation of this case may not have a proper opening.

23. As a sequel to above-mentioned observations, it is hereby held that in the given fact situation the present petition is devoid of merits and the petitioner is not entitled for the benefit of anticipatory bail. Thus, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

17.11.2025

vipin

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No