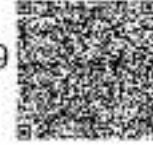


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

2025.PHHC.175499



CRM-M-70041-2025 (O&M)
Date of decision: 17.12.2025.

SHAILESH KUMAR SHARMA

...Petitioner(s)

VERSUS

STATE OF HARYANA

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- None for the petitioner.

ASI Shamsher Singh No.490/FBD.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.20 dated 04.03.2025, under Section(s) 108 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Bhupani, District Faridabad, Haryana.

Lawyers are abstaining from work on account of a call from the High Court Bar Association.

Briefly summarized, the prosecution case is that on 22.02.2025, information was received from Police Station Sector-8, Faridabad, to the effect that one Kuber Nath Sharma, son of late Ganga Vishnu Sharma, had died after allegedly falling from a height and that his dead body had been brought to Sarvodaya Hospital, Sector-8, Faridabad. Upon receipt of the said information, the police reached the hospital and found that the deceased had been declared brought dead. During the course of search of the person of the deceased, a suicide note was recovered from the pocket of the lower worn by him, wherein he attributed responsibility for his death to his son and daughter-in-law. On the basis of the said recovery, the present FIR came to be registered. In the course of investigation, the petitioner was arrested on 17.07.2025 and his disclosure statement was recorded. A scaled site plan of the place of occurrence was also prepared. During further investigation, co-accused Akanksha Kushwaha, the daughter-in-law of the deceased, was found to be innocent, as a consequence whereof the applicability of Section 3(5) of the Bharatiya Nyaya Sanhita was dropped qua her. Upon completion of the investigation, the challan was presented before the competent Court only against the petitioner.

It is averred in the petition that the suicide note dated 22.02.2025, which constitutes the basis for registration of the present case, does not attribute any role or culpability to the petitioner and specifically records that the deceased was committing suicide of his own accord, without holding any person responsible for the same. The translation thereof reads thus: -

“Police sir, I am committing suicide on my own. No one has pushed me. It is better to die then to get beaten by son and

daughter-in-law by slipper. No one is at fault in this, it is the wish of the god. Respect to my all known brothers and sisters. The camera of the house is the proof.”

It is further specifically averred in the petition that the deceased had been undergoing medical treatment for depression and had also undergone a surgical procedure, subsequent to which he was being cared for by his wife, the petitioner and his daughter-in-law. It is stated that the only issue between the petitioner and the deceased related to the latter not regularly adhering to the prescribed medication, a matter which the petitioner is stated to have occasionally pointed out. As mentioned in the petition, the deceased thereafter took the extreme step on account of his medical condition and the depression arising therefrom. It is thus averred that the facts and circumstances of the case do not satisfy the essential ingredients of the offence of abetment to suicide. Moreover, upon a perusal of the petition, it is evident that all the family members of the deceased, including his widow (the mother of the petitioner), his son (brother of the petitioner) and his sister-in-law, have sworn affidavits categorically stating that no untoward incident occurred and that the deceased committed suicide solely due to his prolonged ailments and the depression associated therewith. The petitioner is in custody since 17.07.2025 and has already undergone an actual custody for a period of nearly 05 months. Trial has not commenced as the charge is yet to be framed and there are total 17 witnesses cited by the prosecution who are yet to be examined.

The Investigating Officer does not dispute the aforesaid facts.

Having gone through the case file and the documents appended

therewith and also taking into consideration the circumstances pointed out above i.e. the period of actual custody undergone by the petitioner, the stage of the trial, the nature of allegations as well as the clean antecedents of the petitioner, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

December 17, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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