IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MP(M) No. 2072 of 2026
Decided on: 03.11.2026

Pushpa Devi ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

Coram
Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.
[1]Whether approved for reporting?

For the petitioner: M/s. Nand Lal Thakur & K. K. Chaudhary, Advocates.

For the respondents: Mr. Prashant Sen, Deputy Advocate General.

Chirag Bhanu Singh, Judge *(Oral)*

The present bail petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking post arrest bail in case FIR No. 303 of 2026, dated 19.09.2026, registered under Section 108 of the Bharatiya Nyaya Sanhita, 2023 (BNS) at Police Station Nalagarh, Police District Baddi, Himachal Pradesh.

2. The perusal of the status report so filed by the State is suggestive of the fact that on 19.09.2026, the father of the

deceased, Jitender Kumar, lodged a written complaint before the police station alleging that his son had committed suicide on 13.09.2026 at Nalagarh due to alleged mental harassment and threats extended by the petitioner (who happens to be the wife of the deceased) to harm herself and their grandson.

3. As per the complaint so made by Bhagat Ram Panwar, the father of the deceased, prior to his death, his son was subjected to repeated mental harassment and severe emotional distress in connection with his marital relationship. The complainant had reasons to believe that the wife of the deceased, Pushpa Devi (the petitioner), along with her family members namely, her mother, father and brother had repeatedly harassed, pressurized and threatened him. The deceased had left behind a four page handwritten suicide note, which was handed over to the police. It was further alleged that even after his death, the petitioner and her family did not stop threatening them, intimidating them and repeatedly claiming that she would harm herself and her son, thereby causing grave concern for the safety and well-being of the child. On the basis of the aforesaid complaint, the aforesaid FIR had came to be lodged.

4. The perusal of the status report further shows that the purported suicide note, which had allegedly been recovered from the room of the deceased on 13.09.2026, was sent for comparison by the police. From the allegations made in the said suicide note, the police inferred that the petitioner, along with her mother, father and brother, had mentally and physically harassed the deceased, compelling him to consume a poisonous substance and slit his nerves. Subsequently, on 26.09.2026, the petitioner joined the investigation and that too, at her matrimonial home in Darlaghat and was arrested there itself. Presently she is in judicial custody.

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

6. Admittedly, the deceased committed suicide on 13.09.2026. However, a perusal of the record itself demonstrates that at the relevant time, the petitioner was present at her matrimonial home in Darlaghat. Furthermore, the other co-accused, namely the father, mother and brother of the petitioner were residing at their own home in District Hamirpur.

7. Undoubtedly, some marital discord existed between

the petitioner and the deceased. However, the question whether the petitioner actively abetted the suicide remains to be evaluated and considered during the course of the trial.

8. Reading Section 108 of the BNS in conjunction with Section 45 of the BNS, an offense for abettment requires that the accused must have either instigated, actively engaged in a conspiracy with one or more persons or intentionally aided the commission of that act. In that sense of the matter, the provisions of Sections 108 and 45 of the BNS postulate that an active or direct act leading the deceased to commit suicide must be established to attract the provision of Section 108 of the BNS.

9. Presently, there is nothing on record to demonstrate that at the proximate time when the deceased took the unfortunate step, the petitioner directly or indirectly instigated him to commit suicide.

10. Seemingly, no active, positive or direct role can be attributed to the petitioner to establish that she instigated or aided the deceased in ending his life on 13.09.2026. Even in the initial complaint, an omnibus statement has been made alleging that the petitioner and her family had been repeatedly harassing

the deceased mentally and emotionally regarding their matrimonial relationship.

11. Seeing to the totality of the circumstances emerging on record and keeping in view the fact that the investigation qua the petitioner is by and large complete, no fruitful purpose would be served by keeping her in carcerated.

12. The trial is likely to take substantial time, and pre-trial incarceration may not be of much avail, given the facts and circumstances of the present case discussed hereinabove supra. Even otherwise, pre-trial incarceration is loathed by the Courts, as has been held by the Hon'ble Supreme Court in a catena of decisions, including ***Union of India v. K.A. Najeeb, [(2021) 3 SCC 713]*** and ***Javed Gulam Nabi Shaikh v. State of Maharashtra and Another (Criminal Appeal No. 2787 of 2024, decided on 03.07.2024)***.

13. "Bail, not jail" is the golden thread which has been running right through the various judgments rendered by the Hon'ble Supreme Court starting from ***Gurbaksh Singh Sibbia & Others v. State of Punjab, (AIR 1980 SC 1632)***, which has consistently been followed till the decision rendered in ***P. Chidambaram v. Directorate of Enforcement, (AIR 2019 SC 4198)***.

The object of granting bail was further elucidated in ***Sanjay Chandra & Others v. Central Bureau of Investigation, (AIR 2012 SC 830)***. The Hon'ble Supreme Court further reiterated that grant of bail was a general rule, as was categorically held in ***Dataram Singh v. State of Uttar Pradesh, [(2018) 3 SCC 22 : AIR 2018 SC 980].***

14. The Hon'ble Supreme Court and this Court, in a catena of decisions, have repeatedly held that an accused is presumed to be innocent until proven guilty. The trial is still at its inception and is likely to take sufficient time.

15. This Court has also reiterated the same principle in ***Sameer Sharma v. State of Himachal Pradesh [Cr.M.P.(M) No. 1042 of 2024, decided on 25.07.2024]*** and ***Himesh Karki v. State of H.P. [Cr.M.P.(M) No. 1584 of 2024, decided on 09.09.2024]***, holding that under similar circumstances, the discretion of bail ought to be exercised in favour of the applicant.

16. Keeping in view the facts emerging on record and the law laid down by the Hon'ble Apex Court from time to time, the bail petitioner has carved out a case for grant of bail.

17. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to

be released on bail subject to her furnishing bail bonds to the tune of Rs.50,000/- with two sureties of the like amount, to the satisfaction of the learned Trial Court subject to the following conditions:-

> "i) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;
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> ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;
>
> iii) That the petitioner shall not leave the territory of India without the express permission of the Court, she shall surrender passport, if any, before the investigating agency."

18. The observations, made hereinabove, shall not be taken, as an expression of opinion, on the merits of the case, as these observations are confined only for the purposes of the disposal of the present petition.

19. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, Sub Jail Nalagarh, District Solan**, H.P. and the learned Trial Court by FASTER.**

20. Pending miscellaneous application(s), if any, also stands disposed off accordingly.

(Chirag Bhanu Singh)
Judge

03rd November, 2026
(Shamsh Tabrez)

SHAMSH TABREZ

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