



CRA-S-809-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****133-II****CRA-S-809-2025 (O&M)****Date of decision : 09.03.2026**

Balwinder Singh

..... Appellant

VERSUS

State of Haryana & Anr.

..... Respondents

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Mayur Karkra, Advocate for the appellant.

Mr. Ramender Singh Chauhan, AAG Haryana.

Mr. Shakti Mehta, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

The appellant has filed the present appeal under Section 14-A of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as the 'SC & ST Act' against the order dated 05.02.2025, passed by the learned Additional Sessions Judge Kaithal/Judge Special Court under SC&ST Act, hereinafter being referred to as 'trial Court' only.

2. By virtue of order dated 05.02.2025, hereinafter being referred to as 'impugned order' only, the learned trial Court has dismissed the application for anticipatory bail filed by the appellant, in a case arising out of FIR No.09 dated 14.01.2025 under Sections 108 of Bharatiya Nyaya

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Sanhita, 2023 and Section 3(2)(V) of SC & ST Act, Police Station Guhla, District Kaithal.

3. In nut-shell, the facts emerging from record are that the author of the FIR is respondent No.2/complainant, hereinafter being referred to as 'respondent No.2' only. It was stated before the police by the respondent No.2 that his son Gurjeet Singh was an operator of 'Combine Harvester', whereas Balwinder Singh (appellant herein) had been working with the respondent No.2 as a helper. According to respondent No.2, with regard to purchase of 'Combine Harvester', Gurjeet Singh had entered into a deal with Balwinder Singh, and that part payment of the 'Combine Harvester' was made by them to Balwinder Singh, who handed over the 'Combine Harvester' bearing No.MP15-DA-1156 to Gurjeet Singh. The complainant further alleged that although the 'Combine Harvester' bearing No.MP15-DA-1156 was delivered to Gurjeet Singh by Balwinder Singh, but he procured an affidavit sworn by Gurjeet Singh with regard to purchase and delivery of possession of another 'Combine Harvester', bearing No.HR09-G-1237.

4. The respondent No.2 has further alleged that the 'Combine Harvester' bearing No.MP15-DA-1156 was sent for work by the respondent No.2 to Cuttak (Odisha), but due to heavy rains, the operator and the helper could not operate the machine and therefore, they parked the same and returned.

5. It is the case of the respondent No.2 that in view of abovementioned developments, Balwinder Singh got the FIR registered



against Gurjeet Singh with regard to theft of abovementioned combine, and that regarding the abovementioned dispute, between the parties, even community meeting (Panchayat) was conveyed, which was attended by Balwinder Singh and Baldev Singh. As per respondent No.2, in the abovementioned community meeting Balwinder Singh pressurized Gurjeet Singh to pay a cash of Rs.3 lacs to such an extent that Gurjeet Singh committed suicide by hanging. It was also claimed by the respondent No.2 that before committing suicide, Gurjeet Singh had prepared a video-clip and forwarded the same to the son-in-law of respondent No.2, namely Jitender Singh, who informed the respondent No.2 about the same. In view of abovementioned allegations, the respondent No.2 alleged that Baldev Singh and the appellant have committed the offence under Section 306 of IPC.

6. It is the case of the prosecution that in view of abovementioned statement, formal FIR of this case was lodged and the investigation taken up.

7. Heard.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for a decision: -

- i) that the only role attributed to the appellant is that he was part of the community meeting, wherein the dispute between the parties was taken up. There is no allegation against the petitioner that any kind of provocation or abetment to commit suicide was made by the appellant;



- ii) that as per status report, the appellant has no criminal antecedents;
 - iii) that the trial is not likely to be concluded in near future;
 - iv) that there is nothing on record to show that custodial interrogation of the appellant is likely to produce any fruitful result;
 - v) that there is nothing on record to show that while on anticipatory bail, the appellant is likely to tamper with the evidence or influence the witnesses; and
 - vi) that there is nothing on record to show that while on anticipatory bail, the appellant will not participate/cooperate in the trial;
10. All the abovementioned factors pertaining to the present case are to be considered in the light of principles of law laid down by the Hon'ble Supreme Court of India in the cases of 'Mahendra Awase V/s The State of Madhya Pradesh' 2025(4) SCC 801 and 'Mohit Singhal & Anr. V/s The State of Uttarakhand & Ors.' 2024(1) SCC 417.
11. In the case of 'Mahendra Awase' (*supra*), the Hon'ble Supreme Court of India has observed that if the appellant had been asking for the repayment of loan guaranteed by the deceased, and the deceased committed suicide, the appellant cannot be held responsible for the abetment to abovementioned suicide.
12. Similarly in the case of 'Mohit Singhal' (*supra*), the Hon'ble Supreme Court of India has observed that even if abusive language is used



and the deceased assaulted with belt for the purpose of demanding payment of money, any case for abetment to commit suicide is not made out.

13. Taking into consideration the fact that the present case is squarely covered by the principles laid down by the Hon'ble Supreme Court of India in the abovementioned cases, and in view of above-discussed prevailing factors, it is hereby observed that there is big question mark with regard to involvement of appellant in the commission of offence punishable under Section 306 of IPC. If there is a question mark with regard to commission of offence punishable under Section 306 of IPC, the same is leading to the situation with regard to allegations for the commission of offence under Section 3(2)(V) of SC&ST Act.

14. Keeping in view the abovementioned observations, it is hereby held that the appellant is entitled for the benefit of anticipatory bail, and that the learned trial Court has committed an error of judgment while denying the abovementioned benefit to the appellant.

15. As a sequel to abovementioned observations, the present appeal is hereby ***allowed*** and the impugned order is hereby set aside. The appellant is admitted to anticipatory bail on furnishing bonds to the satisfaction of learned trial Court. However the abovementioned concession shall be subject to following conditions:-

- (i) that the appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority;



- (ii) that the appellant shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the appellant shall not leave India without prior permission of the trial Court.

16. Pending miscellaneous application(s), if any, shall also stand disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

09.03.2026
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No