

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:018523



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CRM-M-22692-2025 (O&M)

Date of decision:06.02.2026

Nirmal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Nikhil Thamman, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. Deepanshu Meena, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner for grant of anticipatory bail in case arising out of FIR No.37, dated 07.04.2025, registered under Sections 108, 3(5) of the BNS, at Police Station Sudhar, District Ludhiana Rural.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Harbans Singh on 07.04.2025, alleging therein that on 31.03.2025, his son Gurpal Singh had committed suicide by consuming some poisonous substance. On 07.04.2025, while cleaning his room, he had found a written note left by the deceased on 31.03.2025, holding the present petitioner and co-accused Vikas Kumar Chaurasya, who were employees in the State Bank of India, wherein the deceased was working as a driver on contract basis and also against two

more persons, namely, Balwinder Singh Malli and Kuldeep Singh, responsible for his death. He had also mentioned that PAN card, passport and Aadhar card along with one cheque forcibly got signed from him had been taken by the petitioner and the above mentioned persons. By alleging that the petitioner and the above mentioned persons had abetted suicide by his son, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. Apprehending his arrest, the petitioner moved an application for grant of anticipatory bail, which was dismissed by the Court of learned Additional Sessions Judge, Ludhiana vide order dated 15.04.2025.

4. Vide order dated 29.04.2025, this Court had directed the petitioner to join investigation and had granted interim bail.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case 07 days after the death of the victim. He has been working as a Cashier in State Bank of India, Jagraon Branch. One Smt. Surinder Kaur, who was residing in Canada and was native of Jagraon had handed over cheques to the victim, who used to withdraw money from her bank account. Deceased by taking undue benefit of the trust reposed upon him by the above said Surinder Kaur, had withdrawn an amount of Rs.18,70,000/- from her bank account during the course of 04 years. Smt. Surinder Kaur made a complaint to the bank on coming to know about this fact, the matter was reported to the higher authorities of the bank. The deceased had handed over the cheque for a sum of Rs.4 lakhs payable on 30.12.2025 to Smt. Surinder Kaur. This cheque was lying with the bank as it was given in March, 2025 and thereafter the victim had committed suicide.

The petitioner had no hand whatsoever in abetting the same. Ingredients for commission of offence punishable under Section 108 of the BNS are not attracted qua him at all. His custodial interrogation is not required. He has already joined investigation. No recovery is to be effected from him. It is, therefore, urged that the petition deserves to be allowed.

6. Status report has already been filed. Learned State counsel, on instructions from the Investigating Officer, has submitted that that the petitioner has joined investigation on 07.05.2025 and he is not required for custodial interrogation

7. This Court has heard the rival submissions made by learned counsel for the parties.

8. Admittedly, the petitioner has joined investigation on 07.05.2025. He was working as a Cashier in the bank, wherein the victim was working as a driver on contractual basis. Though, a suicide note is alleged to have been left by the victim, thereby holding the petitioner to be responsible for his death, however, there is no material on record to show that the petitioner had abetted suicide by him in any manner whatsoever. The allegations reveal that the victim himself had withdrawn money from the bank account of one Surinder Kaur, which was operative in the same branch of State Bank of India and had even issued a cheque for a sum of Rs.4 lakhs by way of compensation. In order to bring a case within the provisions of Section 108 of BNS, undoubtedly, there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by act of instigation and doing certain acts to facilitate the commission of suicide. The

prosecution must show a proof of direct or indirect act of incitement by the accused in commission of suicide. Allegation of harassment of the deceased by the accused does not suffice. In the absence of any positive action on the part of the accused proximate to the time of occurrence which led to suicide, offence under Section 108 of BNS would not be considered to have been committed. It is also well settled proposition of law that to prove the offence of abetment, which is defined under Section 45 of BNS (which is *pari materia* with Section 107 of IPC), it must be the state of mind of the accused to commit a particular crime must also be visible so as to determine the culpability of his action, meaning thereby that there must be some mens rea and some material on record to establish that he or she had a guilty mind and in furtherance of that state of mind, the suicide by the victim was abetted. Reference can be made to **Aranb Manoranjan Goswami vs. State of Maharashtra and others : 2020 SCC Online SC 964**, wherein it was observed by Hon'ble Supreme Court that in order to bring out an offence under Section 306 of IPC (which corresponds to Section 108 of BNS), specific abetment as contemplated under Section 107 of IPC on the part of the accused with an intention to bring out the suicide of the person concerned as a result of that abetment is required. It was also observed that the intention of the accused to aid or to instigate or to abet the deceased to commit suicide is must for this particular offence under Section 306 of IPC. At this stage, the element of mens rea of direct abetment, which is a sine qua non for attracting the offence, does not *prima facie* emerge from the record. The allegations against the petitioner are not to the effect that he has instigated or abetted the victim to commit suicide or on account of

harassment caused by him, he was not left with any other option but to commit suicide. *Prima facie* offence under Section 108 of the BNS does not seem to be attracted in this case. Therefore, in view the above discussion, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration should not be a replica of post conviction sentencing. As such, a case is made out for allowing the present petition. Accordingly, the present petition is allowed and the order dated 29.04.2025, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 (analogous to Section 438(2) of the Code of Criminal Procedure).

9. Since the main petition has been disposed of, pending application, if any, is rendered infructuous.

06.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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