



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

**CRM-M-29202-2026
Date of Decision:26.05.2026**

Yuvraj Kumar @ Lucky

...Petitioner

Vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J.(Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 11, dated 16.01.2026, registered under Sections 108, 351(2), 3(5) of B.N.S {corresponding to old Sections 306, 506, 34 of IPC} Police Station Division No.6, Ludhiana, District Ludhiana (Annexure P-1).

2. The F.I.R in the present case was registered on the basis of a secret information, as per which one person had hanged himself outside the house near Khushisar Gurudwara Sahib, Kot Mangal Singh, Ludhiana. On getting the information, the police reached at the spot and a suicide note was recovered near the dead body. As per him, he was Junaid Ahmed and his wife along with the petitioner and Krishan Kanda got the blank divorce papers signed forcibly and also extended threats to him and his children. Due to their acts and conducts, he was under the debt of Rs.3/4 lakhs and they had also snatched his



mobile phone and due to them, he was going to commit suicide and they were responsible for his suicide.

3. Learned counsel for the petitioner contends that even from the allegations levelled by the complainant in the F.I.R/averments of the suicide note, no offence under Section 306 IPC was made out against the petitioner. Even from the suicide note, it was evident that the deceased was undergoing severe matrimonial discord with his own wife and was under financial distress. Even he had other personal and emotional issues in life and there is every possibility that he had committed suicide because of other reason and not because of the alleged harassment at the hands of the present petitioner. Learned counsel further submits that the ingredients of the offence under Section 306 IPC were completely missing in the present case. In fact, there was no evidence to show that the petitioner had abetted the suicide of Junaid Ahmed in any manner. The petitioner was arrested in the present case on 16.01.2026 and is in custody for the last more than four months. After completion of investigation, challan has already been presented against him and the petitioner is not in a position to tamper with the prosecution evidence.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that serious and specific allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

6. Section 306 IPC defines abetment of suicide and the same reads:-



“306 Abetment of suicide.—If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

7. From a bare reading of the above stated provision of law, it is apparent that to constitute an offence under Section 306 IPC, the prosecution must establish (i) that a person committed suicide and (ii) that such suicide was abetted by the accused. Consequently, there has to be abetment for commission of the crime on the part of the accused.

8. The parameters of “abetment” have been clearly enunciated in Section 107 of IPC and the same is reproduced below for ready reference:

“107. Abetment of a thing.—A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.”

9. As per the said section, a person can be said to have abetted in doing a thing, if he, firstly instigates any person to do that thing; or secondly, he engages one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy and in order to the doing of that thing; or thirdly, intentionally aids, by an act or illegal omission, the doing of that thing.



10. It has been held by the Hon'ble Supreme Court in the matter of ***“Ude Singh and others Vs. State of Haryana, (2019) 17 SCC 301”***, as follows:-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another, the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of the accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to



commit suicide, the case may fall within the four corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.

16.2. We may also observe that human mind could be affected and could react in myriad ways; and impact of one's action on the mind of another carries several imponderables. Similar actions are dealt with differently by different persons; and so far a particular person's reaction to any other human's action is concerned, there is no specific theorem or yardstick to estimate or assess the same. Even in regard to the factors related with the question of harassment of a girl, many factors are to be considered like age, personality, upbringing, rural or urban set-ups, education, etc. Even the response to the ill action of eve teasing and its impact on a young girl could also vary for a variety of factors, including those of background, selfconfidence and upbringing. Hence, each case is required to be dealt with on its own facts and circumstances.



11. Still further, it has been held by the Hon'ble Supreme Court in the matter of "**Geo Varghese Vs. State of Rajasthan and Another 2021 SCC Online SC 873** observed as follows:-

"13. In our country, while suicide in itself is not an offence as a person committing suicide goes beyond the reach of law but an attempt to suicide is considered to be an offence under Section 309 IPC. The abetment of suicide by anybody is also an offence under Section 306 IPC. It would be relevant to set out Section 306 of the IPC which reads as under:-

***"306. Abetment of suicide:-** If any person commits suicide, whoever abets the commission of such suicide, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be able to fine."*

14. Though, the IPC does not define the word "Suicide" but the ordinary dictionary meaning of suicide is "self-killing". The word is derived from a modern latin word "suicidium", sui means "oneself" and cidium means "killing". Thus, the word suicide implies an act of self-killing. In other words, act of death must be committed by the deceased himself, irrespective of the means adopted by him in achieving the object of killing himself.

15. Section 306 of IPC makes abetment of suicide a criminal offence and prescribes punishment for the same. Abetment is defined under Section 107 of IPC which reads as under:—

"107. Abetment of a thing - A person abets the doing of a thing, who—

First.—Instigates any person to do that thing; or

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order



to the doing of that thing; or

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

16. The ordinary dictionary meaning of the word ‘instigate’ is to bring about or initiate, incite someone to do something. This Court in the case of Ramesh Kumar v. State of Chhattisgarh has defined the word ‘instigate’ as under:—

“Instigation is to goad, urge forward, provoke, incite or encourage to do an act.”

17. The scope and ambit of Section 107 IPC and its corelation with Section 306 IPC has been discussed repeatedly by this Court. In the case of S.S. Cheena v. Vijay Kumar Mahajan , it was observed as under:—

“Abetment involves a mental process of instigating a person or intentionally aiding a person in doing of a thing. Without a positive act on the part of the accused to instigate or aid in committing suicide, conviction cannot be sustained. The intention of the legislature and the ratio of the cases decided by the Supreme Court is clear that in order to convict a person under Section 306 IPC there has to be a clear mens rea to commit the offence. It also requires an active act or direct act which led the deceased to commit suicide seeing no option and that act must have been intended to push the deceased into such a position that he committed suicide.

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19. In the case of M. Arjunan v. State, Represented by its Inspector of Police, a two-Judge Bench of this Court has expounded the ingredients of Section 306 IPC in the following words:—

“The essential ingredients of the offence under Section 306 I.P.C. are : (i) the abetment; (ii) the intention of the accused to aid or



instigate or abet the deceased to commit suicide. The act of the accused, however,insulting the deceased by using abusive language will not, by itself, constitute the abetment of suicide. There should be evidence capable of suggesting that the accused intended by such act to instigate the deceased to commit suicide. Unless the ingredients of instigation/abetment to commit suicide are satisfied, accused cannot be convicted under Section 306 I.P.C.”

20. At this stage, we may also refer to another recent judgment of a two-Judge Bench of this Court in the case of Ude Singh v. State of Haryana, which elucidated on the essential ingredients of the offence under Section 306 IPC in the following words: —

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act/s of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains a vexed one, involving multifaceted and complex attributes of human behaviour and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act/s of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

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12. In the present case also, admittedly, Junaid Ahmed, deceased was having some issues with his wife and stated that two boys including the petitioner had threatened and intimidated him a lot. Even they also forcibly made him sign blank divorce papers and they had threatened to kill him and to



his children. Now, the petitioner is stated to be in custody in the present case for the last more than four months and the prosecution is yet to lead evidence to prove the ingredients of the offence under Section 306 IPC against the present petitioner, during the course of trial.

13. Without commenting on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

26.05.2026
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(N.S.SHEKHAWAT)
JUDGE

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