

2026:PHHC:075642



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

106

CRM M-51176 of 2022

Date of Decision: 12.05.2026

Vinod Kumar

...Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. L.S. Sidhu, Advocate,
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab,
for respondent No.1-State.

Mr. K.S. Brar, Advocate,
for respondent No.2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 Cr.P.C. with a prayer to quash the FIR No. 40 dated 17.05.2021, registered at PS City 2 Abohar, District Fazilka registered under Section 306 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC and ST Act') (Annexure P-1) and all consequential proceedings arising therefrom.

2. The FIR in the present case was registered against the petitioner on the basis of the statement made by Gurmit Singh son of Sukhmander Singh, since deceased, and the same has been reproduced below:-

“Statement of Gurmit Singh son of Sukhmander Singh son of Bachittar Singh, resident of Kailash Nagar, Abohar, District Fazilka, aged about 32 years, Mobile No.73409-14949. Stated that I am resident of aforesaid address and I have shop of readymade garments at Sito Road, Abohar, near Convent School, Abohar. We are two brothers and one sister. All three of us are married. My father Sukhmander Singh was aged about 62 years and he had retired about four years back as Assistant Manager from PADB Bank, Abohar. My father had availed a loan of Rs. 6 lacs from the aforesaid bank. He could not repay the loan amount and became defaulter. Assistant Manager Vinod Kumar, PADB Bank, Abohar was colleague of my father at the aforesaid bank at Abohar. After the retirement of my father, Vinod Kumar, Assistant Manager, PADB Bank, Abohar used to harass my father for the reason that my father could not repay the loan. My father used to talk to me and other members of my family in this regard. In this regard, my father had told Vinod Kumar, aforesaid, on many occasions that the loan which has been availed by me from the bank, I will repay the same by selling off my land and you should not cause mental harassment to me without any reason. In spite of that Vinod Kumar did not mend his ways and kept on harassing. He made a secret complaint against my father at SADB Bank, Chandigarh. Because of this

reason, my father used to remain under mental stress. Today, at about 10:38 a.m., I received a phone call from my father, Sukhmander Singh, from his Mobile No.80541-35705 at my mobile phone No.73409-14949 that due to being harassed by Vinod Kumar, Assistant Manager, aforesaid, I am ending my life by consuming some poisonous substance. Vinod Kumar, Assistant Manager, PADB Bank, Abohar, aforesaid, would be responsible for my death. I closed my shop and went to my father I found my father, Sukhmander Singh, near New Kailash Nagar, who was alone and was vomiting. I arranged for a vehicle and got him admitted at Civil Hospital, Abohar for treatment. Doctor Sahib referred him to G.G.S.M.C, Faridkot for further treatment. I and my friend Navdeep Singh son of Mahinder Singh, resident of Street No.2, Model Town, Abohar were taking my father to Shri Ganganagar for treatment when my father passed away near Abohar bypass. After this, we brought his dead body at Civil Hospital, Abohar. His dead body is lying in the mortuary of Civil Hospital, Abohar. I have got recorded my statement. I have found a suicide note written by my father from the front pocket of the shirt of my father, and I have produced the same before you. In the suicide note my father has written that he has ended his life after being harassed by Vinod Kumar, aforesaid. Strict legal action may be taken against him. I have got my statement recorded, the same has been read out to me and is correct. Gurmit Singh, aforesaid, Sd/- Gurmit Singh, endorsed Gurwinder Singh son of Sukhdarshan Singh, r/o Dodar, District Moga,

Sd/- Gurinder Singh, attested Sd/-Mohan Lal, ASI, PS City 2, Abohar, dated 17.05.2021”.

3. Learned counsel for the petitioner submits that at the time of registration of the FIR, the petitioner was working as Assistant Manager of Punjab Agricultural Development Bank, Abohar, and has been falsely involved in the present case. He further submits that Sukhmander Singh, since deceased, had also worked as Assistant Manager in the same bank and during his tenure, he had availed five loans in his name and in the names of his other family members and the details of the same are as follows:-

(i) Sukhmander Singh, since deceased, had availed a loan of Rs.3.50 lakhs for his house, which was disbursed on 10.03.2008 and 17.04.2008 and the loan amount was not repaid except for Rs.2000/- which was repaid on 24.03.2015. On the date of FIR, there was an outstanding amount of Rs.3.48 lakhs towards principal and Rs. 2,20,537/- towards interest, which is apparent from annexure P-3.

(ii) Another loan of Rs.60,000/- was availed by the deceased in the name of his father Bachittar Singh, which was disbursed on 25.03.2002 and 02.04.2022. An amount of Rs.11,000/- only was deposited on 26.02.2003. On the date of registration of the FIR, there was an outstanding amount of Rs.49,000/- towards principal and Rs.1,29,810/- towards interest, which is apparent from annexure P-4.

(iii) Third loan was availed by the deceased in favour of Balbir Kaur, mother of the deceased Sukhmander Singh,

under which an amount of Rs.7,25,000/- was disbursed on 01.10.2015 and 07.10.2015. No amount was repaid towards either principal or interest. On the date of registration of FIR, an amount of Rs.7,25,000/- towards principal and Rs.4,52,034/- towards interest was outstanding, which is apparent from annexure P-5.

(iv) Fourth loan of Rs.5,00,000/- was disbursed on 23.02.2012 and 01.03.2012 in favour of Sukhdev Singh and Daljit Singh, brothers of deceased Sukhmander Singh. No amount was repaid towards either principal or interest. On the date of registration of FIR, an amount of Rs.5,01,300/- towards principal and Rs.4,59,753/- towards interest was outstanding, which is apparent from annexure P-6.

(v) Fifth loan of Rs.5,00,000/- was disbursed on 23.02.2012 and 01.03.2012 in favour of Malkit Singh and Ranjit Singh, brothers of deceased Sukhmander Singh. No amount was repaid towards either principal or interest. On the date of registration of FIR, an amount of Rs.5,01,375/- towards principal and Rs.4,59,849/- towards interest was outstanding, which is apparent from annexure P-7”.

4. Learned counsel for the petitioner submits that a total amount of Rs.38,46,658/- of the bank was outstanding towards the family of Sukhmander Singh, since deceased. In fact, being Assistant Manager of the bank, he was bound to seek the repayment of loan amount from the borrower of the bank. Consequently, the petitioner had never abetted the suicide of Sukhmander Singh. Even otherwise, the loan availed by the deceased was for village Azimgarh and it was

the duty of the field staff to recover the alleged amount and the petitioner had no occasion to harass the deceased in any manner. Apart from that, it has been falsely alleged that the petitioner had made a complaint against the deceased to SADB Chandigarh. The petitioner obtained a certificate dated 06.12.2021 (Annexure P-9) from Punjab State Cooperative Agricultural Development Bank Limited, Chandigarh, which clarifies that the petitioner had never made any complaint against Sukhmander Singh, since deceased. Learned counsel further submits that even a suicide note was received from the front pocket of the shirt worn by the deceased and it reads as under:-

“I am Sukhmander Singh son of Bachittar Singh, resident of Kailash Nagar Abohar, near Sitobhai Chowk, Abohar. I am defaulter of loan of PADB Bank, Abohar of approximately Rs. 6 lacs. But Vinod Kumar, Assistant Manager, PADB, Abohar has been harassing and torturing me for last 3 years. Now he has got made a secret complaint against me to SADB, Chandigarh and he has left this village and has got changed his circle. As such I am committing suicide under compulsion.

Radha Swami

*Signature,
17.05.2021, Sukhmander Singh
son of Bachittar Singh,
resident of Kailash Nagar”.*

5. Learned counsel further submits that even from the perusal of the suicide note, it is evident that no offence under Section

306 IPC is made out against the petitioner. Apart from that, the police has wrongly added the offence under Section 3 of the SC and ST Act. However, there are no allegations in the FIR, which may attract the said provisions of law. Learned counsel further submits that even if the allegations levelled by the complainant and the averments made in the suicide note are taken to be correct, even though, the same are denied, still no offence is made out against the present petitioner. He has been named in the suicide note by the deceased so that the loan amount may not be recovered from the other family members of the deceased. He further contends that the basic ingredients of the offences under Section 306 of IPC and Section 3 of the SC and ST Act are completely missing in the present case.

6. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by the petitioner on the ground that the petitioner is the main accused and *challan* has already been presented against him. Apart from that, there was sufficient evidence to connect the petitioner with the commission of the crime and it was clearly shown that the petitioner had abetted the suicide of Sukhmander Singh.

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

8. Section 306 of IPC prescribes the punishment for abetment of suicide and reads as follows:-

“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.”

9. It is manifested that the offence punishable is one of abetment of commission of suicide by any person, predicated existence of a live link or nexus between the two, abetment and the suicide, being the propelling causative factor. The basic ingredients of the offence are the suicidal death and the abetment of the same. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Further, there should be an intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self-esteem and self-respect. Therefore, it is impossible to lay down any straightjacket formula in dealing with such cases and each case has to be decided on its own facts and circumstances. While dealing with the ingredients of Section 306 IPC, the Hon'ble Supreme Court has held in the matter of ***S.S. Cheema versus Vijay Kumar Mahajan and another***, Criminal Appeal No.1503 of 2010 (arising out of SLP (Criminal) No.6811 of 2009), decided on 12.08.2010, as follows:-

17.The word “suicide” in itself is nowhere defined in the Penal Code, however its meaning and import is well known and requires no explanation. “Sui” means “self” and “cide” means “killing”, thus implying an act of self-

killing. In short, a person committing suicide must commit it by himself, irrespective of the means employed by him in achieving his object of killing himself.

18. Suicide by itself is not an offence under either English or Indian criminal law, though at one time it was a felony in England. In England, the former law was of the nature of being a deterrent to people as it provided penalties of two types :

(a) Degradation of corpse of the deceased by burying it on the highway with a stake through its chest.

(b) Forfeiture of property of the deceased by the State.

19. This penalty was later distilled down to merely not providing a full Christian burial, unless the deceased could be proved to be of unsound mind. However, currently there is no punishment for suicide after the enactment of the Suicide Act, 1961 which proclaims that the rule of law whereby it was a crime for a person to commit suicide has now been abrogated.

20. In our country, while suicide in itself is not an offence, considering that the successful offender is beyond the reach of law, attempt to suicide is an offence under Section 309 Indian Penal Code. 21. "Abetment" has been defined under Section 107 of the Code. We deem it appropriate to reproduce Section 107 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.”

Explanation 2 which has been inserted along with Section 107 reads as under :

“Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof is said to aid the doing of that act.”

*22. The learned counsel for the appellant has placed reliance on a judgment of this Court in **Mahendra Singh v. State of M.P., 1995 Supp. (3) SCC 731**. In Mahendra Singh, the allegations levelled were as under : (SCC p. 731, para 1)*

“1. ... My mother-in-law and husband and sister-in-law (husband's elder brother's wife) harassed me. They beat me and abused me. My husband Mahendra wants to marry a second time. He has illicit connections with my sister-in-law. Because of these reasons and being harassed I want to die by burning.”

23. The Court on the aforementioned allegations came to a definite conclusion that by no stretch the ingredients of abetment are attracted on the statement of the deceased. According to the appellant, the conviction of the appellant under Section 306 Indian Penal Code merely on the basis of the aforementioned allegation of harassment of the deceased is unsustainable in law.

*24. The learned counsel also placed reliance on another judgment of this Court in **Ramesh Kumar v. State of***

Chhattisgarh, 2001(4) RCR (Criminal) 537 : (2001) 9 SCC 618. In this case, a three-Judge Bench of this Court had an occasion to deal with a case of a similar nature. In a dispute between the husband and wife, the appellant husband uttered “you are free to do whatever you wish and go wherever you like”. The Court in para 20 has examined different shades of the meaning of “instigation”. Para 20 reads as under:(SCC p. 629)

“20. Instigation is to goad, urge forward, provoke, incite or encourage to do ‘an act’. To satisfy the requirement of instigation though it is not necessary that actual words must be used to that effect or what constitutes instigation must necessarily and specifically be suggestive of the consequence. Yet a reasonable certainty to incite the consequence must be capable of being spelt out. The present one is not a case where the accused had by his acts or omission or by a continued course of conduct created such circumstances that the deceased was left with no other option except to commit suicide in which case an instigation may have been inferred. A word uttered in the fit of anger or emotion without intending the consequences to actually follow cannot be said to be instigation.”

25. In this case, the court came to the conclusion that there is no evidence and material available on record wherefrom an inference of the appellant- accused having abetted commission of suicide by Seema may necessarily be drawn.

26. In State of West Bengal v. Orilal Jaiswal, 1994(3) RCR (Criminal) 186 : (1994) 1 SCC 73, this Court has cautioned that the court should be extremely careful in

assessing the facts and circumstances of each case and the evidence adduced in the trial for the purpose of finding whether the cruelty meted out to the victim had in fact induced her to end the life by committing suicide. If it appears to the court that a victim committing suicide was hypersensitive to ordinary petulance, discord and differences in domestic life quite common to the society to which the victim belonged and such petulance, discord and differences were not expected to induce a similarly circumstanced individual in a given society to commit suicide, the conscience of the court should not be satisfied for basing a finding that the accused charged of abetting the offence of suicide should be found guilty.

*27. This Court in **Chitresh Kumar Chopra v. State (Govt. of NCT of Delhi) 2009(4) RCR (Criminal) 196 : 2009(5) R.A.J. 278 : (2009) 16 SCC 605**, had an occasion to deal with this aspect of abetment. The Court dealt with the dictionary meaning of the words “instigation” and “goaded”. It is clear from the Court opined that there should be an intention to provoke, incite or encourage the doing of an act by the latter. Each person's suicidability pattern is different from the other. Each person has his own idea of self- esteem and self-respect. Therefore, it is impossible to lay down any straitjacket formula in dealing with such cases. Each case has to be decided on the basis of its own facts and circumstances.*

28. Abetment involves a mental process of instigating a person or intentionally aiding a person in doing 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 this Court is clear that in order to convict a person under Section 306 Indian Penal Code 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.”.

10. In the present case, the main allegation levelled against the present petitioner is that the petitioner was working as Assistant Manager of Punjab Agricultural Development Bank, Abohar, and he was harassing the deceased for not repaying the loan amount due to the bank. Even, it was alleged that the petitioner had made a complaint against the deceased at SADB Chandigarh and he was pressurizing the deceased to repay the loan amount due to the bank. However, in the present case, the basic ingredients of the offence under Section 306 IPC are completely missing. To constitute abetment, the intention and involvement of the accused to aid or instigate the commission of suicide is imperative. Any severance or absence of any such constituents would militate against this indictment, also there was no *mens rea* to commit an offence, and there was no direct or active act leading to the deceased to commit suicide, being left with no other option. Still further, even the material on record did not suggest even remotely any act of cruelty, harassment or inducement so as to persistently provoke or compel the deceased to resort to his extinction. Being left with no other

alternative, no such continuous or proximate conduct of the petitioner or his family members with the required proactive culpability is discernible to even interfere that the deceased had been pushed to such a distressed state, physical or mental, that he elected to liquidate himself as if to seek a practical alleviation from their unbearable earthly miseries.

11. In view of the above discussion and the law laid down by the Hon’ble Supreme Court, the present petition is allowed and the FIR No. 40 dated 17.05.2021, registered at PS City 2 Abohar, District Fazilka registered under Section 306 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and all consequential proceedings arising therefrom are ordered to be quashed qua the petitioner only.

12.05.2026
amit rana

(N.S.SHEKHAWAT)
JUDGE

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