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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49426-2025

Date of decision: 18th March, 2026

Hari Krishna @ Harekrishna Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 237 dated 10.11.2024 registered under Section 107 of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station City Pehowa Kurukshetra, District Kurukshetra.

2. The aforementioned FIR was registered on the basis of statement recorded by Anil Kumar on 10.11.2024, alleging therein that on the same morning, his 14 years old daughter 'N' (name withheld) had committed suicide by hanging herself with a *dupatta*. He alleged that the petitioner had been harassing his daughter through phone from last several days and it was

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on that account that she had ended her life. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Kurukshetra, which was dismissed vide order dated 29.08.2025.

3. It will be relevant to mention here that in pursuance of order dated 09.09.2025 as passed by this Court, an inquiry was conducted as to the claim of the petitioner of being a juvenile at the time of occurrence. A report has been received from the concerned Principal Magistrate, JJB that the petitioner was below the age of 18 years at the time of occurrence and hence was a juvenile.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. As on the date of occurrence, he was a minor, his date of birth being 01.01.2007. There is no material on record to show that he had instigated, abetted or played any role in act of suicide by the victim. The ingredients for commission of subject offence are not at all attracted qua him. He has been wrongly framed in this case. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, therefore, argued that the petition deserves to be allowed.

5. *Per contra*, learned State counsel while relying upon the status report has argued that there are serious allegations against the petitioner. He

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had been repeatedly making calls to the victim and had been harassing her. In the month of June, 2024, he had made as many as 234 calls to the victim, whereas during the period from July, 2024 to November, 2024, he had made 36 calls to her. Respondent- State has placed on record, a pen drive containing the conversation which had been taking place between the victim and the petitioner and has argued that this conversation is sufficient to show that the petitioner had harassed the victim to such an extent that she had left with no alternative but to end her life by committing suicide. It is further argued that no extra ordinary circumstance for exercising powers for grant of bail exists in the matter of the petitioner and it is, therefore argued that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to have abetted suicide by the victim who was a 14 year old girl. He himself was also a juvenile as on the date when the incident had taken place. The respondent-State has mainly relied upon the conversations which had taken place between the victim and the petitioner to make it as a case of abetment to suicide. A pen drive containing 15 such recordings has been placed on record. The said audio recordings have been heard by this Court and on hearing so, in the opinion of this Court, it is a debatable question as to whether harassment of any nature which amounted to abetting the victim to commit suicide, had been done by the petitioner upon her. Such like questions cannot be decided at this stage and have to be decided

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by the learned trial Court on thorough and proper assessment of the evidence to be adduced during trial.

8. The well settled proposition of law is that in order to bring a case within the parameters of Section 107 of BNS, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. Mere harassment without any positive action on the part of the accused proximate to the time of occurrence which led to suicide would not amount of an offence under Section 107 of BNS which is *pari materia* with Section 305 of IPC. At this stage, on the basis of the material placed on record, it may be assumed that the victim might be feeling harassed due to the calls made by the petitioner to her. However, the requisite *mens rea* to commit the offence of abetment to suicide on the part of the petitioner is not *prima facie* shown to have been made out.

9. Given the nature of the allegations as levelled against the petitioner and the circumstances peculiar to the case, this Court is of the considered opinion that pre-trial incarceration of the petitioner is not required. Moreover, pre-trial incarceration should not be a replica of post-conviction sentencing. There is also no material on record to show that the grant of pre-arrest bail to the petitioner would in any manner put the petitioner who is a juvenile in association with any known criminal, would expose him to any moral, physical or psychological danger or in any manner would defeat the ends of justice. As such, this Court opines that a case for allowing the petition

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is made out. Accordingly, the same is allowed, subject to the petitioner’s appearing before the Investigating/Inquiry Officer and joining investigation/inquiry within a period of ten days from today and thereafter, also as and when required and further subject to his furnishing personal as well as surety bonds to the satisfaction of the Inquiry/Arresting Officer since he had attained majority. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNS.

10. It is further clarified that the observations made above are only for the purpose of consideration of application for pre-arrest bail and the same shall not in any manner influence the trial. The trial Court shall consider the case on its merits and without being influenced by this order.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th March, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |