

2026.PHHC.014989



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CRM-M-61988-2025 (O&M)
Date of Decision: 02.02.2026

Dhanna

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rahul Deswal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Ajay Nain, Advocate
for the complainant.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail to the petitioner in case arising out of FIR No. 71 dated 21.04.2025, registered under Section 108 of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) at Police Station Bass, District Hisar.

2. As per the allegations, on 19.04.2025, on receipt of information in the police station, Head constable Parveen Kumar along with other police officials reached at the house of victim Vinod Kumar and recorded the statement of his son complainant-Pardeep to the effect that his father, who was retired from BSF, had visited his fields on the day of

occurrence at about 11:00 AM to 12:00 noon. At about 3.00 PM, when his father came back to his house, there were several injuries on his face and legs. When he inquired about the same, his father told that Pardeep son of Ajit, Vikas and petitioner Dhanna and one more person caused injuries to him. He told his father to sit down and that he would talk to them. However, his father asked him not to visit them as they would assault him also. Thereafter, his father entered into the room and bolted the gate from inside. After half an hour, he saw from the window that his father was hanging with the fan. He made telephonic call on 112. While alleging that his father has committed suicide due to beatings given by Pardeep, Vikas, petitioner Dhanna and one more person, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. A suicide note lying on the floor was recovered, wherein the petitioner along with co-accused was held responsible for the death of the victim. The inquest proceedings and postmortem examination of the dead body of the victim were conducted. The cause of death of the victim was reported as 'due to asphyxia as a result of hanging'. The petitioner was apprehended and arrested on 18.06.2025. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. There is delay of two days in lodging of the FIR. There was nothing on record to suggest that the petitioner had abetted the suicide by the victim. A suicide note was subsequently planted.

Even otherwise, in the alleged suicide note, the names of Ranvir Sarpanch and Pardeep are also mentioned as the persons responsible for the death of the victim but the police has only challaned the petitioner. Even if, for the sake of argument, it is believed that the petitioner had caused any injury to the victim on the fateful day, it would be a matter of trial as to whether the same would attract the ingredients for commission of offence of abetment to suicide. The petitioner is in custody since 18.06.2025. Conclusion of trial is likely to take a considerable time as no prosecution witness out of total 24 witnesses has been examined so far. The continued detention of the petitioner is not going to serve any useful purpose. Therefore, it is argued that the petition deserves to be allowed.

4. Reply has been filed by the respondent-State. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner, who along with co-accused had abetted the victim to commit suicide by inflicting injuries on his person on the fateful day. The victim had left a suicide note naming the petitioner as one of the persons, who was responsible for his death. There are chances of his intimidating or influencing the witnesses, if released on bail. Hence, it is argued that the petition does not deserve to be allowed.

6. This Court has heard the rival submissions.

7. The petitioner has been booked for and is facing trial for commission of offence punishable under Section 108 of BNS. 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 to the commission of suicide by the accused. 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 a must for this particular offence under Section 306 of IPC.

8. In the present Case, from the prosecution version itself, it is

evident that the alleged occurrence of assault is stated to have taken place in the fields at about 11-12 noon, whereas the deceased returned home around 3.00 PM. As per post-mortem examination report, multiple reddish bluish contusions were found on the dead body of the deceased, most of which were superficial in nature. The injuries so shown cannot be stated to be of such a nature as would ordinarily drive a person to take the extreme step. The deceased neither lodged any complaint nor sought any medical aid and the entire prosecution case rests upon an oral disclosure allegedly made to his son. Further, there is a clear intervening circumstance inasmuch as after returning home, the deceased chose to isolate himself by bolting the room from inside and the suicide occurred after a considerable time gap. The alleged assailants were neither present at the spot thereafter nor is there any material to suggest any continued provocation, threat or instigation immediately preceding the act of suicide. Even if the prosecution version is taken at its face value and it is assumed, for the sake of argument, that the petitioner had caused some injuries to the deceased, the question as to whether such act, by itself, would satisfy the essential ingredients of the alleged offence is a matter to be examined and adjudicated during the course of trial on the basis of evidence led by the parties.

9. Moreso, at this stage, the material on record does not prima facie establish the necessary nexus between the alleged act and the subsequent suicide. Similarly, the evidentiary worth, authenticity and probative value of the alleged suicide note, including the circumstances under which it came into existence, are issues which can only be

appropriately assessed during trial and not at this preliminary stage. At this stage, the element of *mens rea* or direct abetment, which is a *sine qua non* for attracting the offence, does not prima facie emerge from the record. In view of the discussion as made above and taking overall view of the circumstances of the case but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to regular bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

02.02.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

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