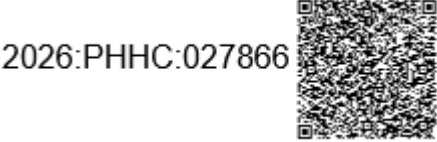


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH



CRM-M-71959-2025 (O&M)

Gagandeep Singh @ Gagan Brar @ Shagan ... Petitioner

Vs.

State of Punjab ... Respondent

1.	The date when the judgment is reserved	19.02.2026
2.	The date when the judgment is pronounced	23.02.2026
3.	The date when the judgment is uploaded on the website	23.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhaysher Singh, Advocate,
Mr. Viabhav Goel, Advocate and
Mr. Navnoor Singh Gill, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Deepak Bhardwaj, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case arising out of FIR No.147,

dated 26.08.2025, registered under Sections 107, 115(2), 351(2) and 3(5) of the BNS, at Police Station Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Veerpal Kaur, alleging that the victim Yashpreet Kaur was her minor daughter, who was doing IELTS course at an IELTS Centre at Sri Muktsar Sahib and used to go to attend her class at 09:00 A.M. daily. Some days back, she told her that the petitioner along with his friend Sukhraj Singh @ Sukha had came outside her IELTS Centre in a swift car and had pressurised her to befriend him and to involve herself in physical intimacy and otherwise threatened her by saying that he was having some photographs of her which he would make viral and she would not be able to show her face in the society. She also informed that when she had refused to abide by the petitioner, he had slapped her and had proclaimed that he would exert so much pressure upon her that she would be forced to end her life. The complainant alleged that her daughter had told her that thereafter also, the petitioner had been following her and she was quite tense. It was further alleged that on 25.08.2025, her daughter had committed suicide by hanging herself with a ceiling fan of her room. By alleging that the petitioner was responsible for her suicide, the complainant prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. A suicide note left by the victim had also been found. The petitioner was arrested on 27.08.2025. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. Infact, there was friendly relationship between the petitioner and the victim and they were in regular touch with each other on whatsapp and phone calls. The complainant, who is a police official used to maltreat the victim and she was in tremendous pressure of her mother. The victim prior to committing suicide had written a note, and had not held the petitioner responsible for the same. Rather she had just sent a message to the petitioner through her whatsapp, showing that she was going to commit suicide and petitioner had pleaded with her to not to do so. He had no role in the suicide of the victim. He is in custody since long. The trial will take considerable time to conclude. No useful purpose would be served by his further incarceration. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed. Learned State counsel assisted by learned counsel for the complainant has vehemently argued that the allegations against the petitioner are quite serious in nature. It was on account of the behavior of the petitioner with the victim that she was compelled to end her life. Material witnesses are yet to be examined. There are chances of the petitioner's intimidating the witnesses or absconding if extended benefit of bail. It is, therefore, stressed that the petitioner does not deserve to be extended the benefit of bail.

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

7. The petitioner is alleged to have abetted suicide by the victim. The victim had left a suicide note writing "*sorry maa mein changi ni ban saki, hor ni hunda*". The petitioner himself has placed on record a whatsapp

chat exchanged between the victim and himself, showing that before committing suicide, she had sent a message to the petitioner. The petitioner stands booked for commission of offence punishable under Section 108 of the BNS. In order to bring a case within the provisions of Section 108 of the 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 the 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 that 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, she 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. The petitioner is in custody for a period of about of 05 months and 19 days. The trial will take considerable time to conclude. It is well settled proposition of law that bail is the rule and jail is an exception and pre-trial incarceration of the petitioner should not be a replica of post conviction sentencing. Therefore, this Court is of the considered opinion that no useful purpose would be served by detaining the petitioner in custody anymore. As such, a case is made out for allowing the present petition.

8. Keeping in view the above discussed facts and circumstances, but without meaning to make any comment on the merits of the case, lest the same prejudice the trial in any manner, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

9. However, it will be open for the prosecution to apply for

cancellation of bail in case the petitioner is found involved in any other subsequent case.

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

23.02.2026

harjeet

(MANISHA BATRA)
JUDGE

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