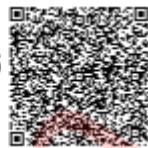


IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:020236



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CRM-M-65803-2025 (O&M)
Date of decision: 10.02.2026

Satnam Kaur

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gurmohan Preet Singh, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. Shivam Joshi, 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 bearing FIR No.0126, dated 25.06.2025, registered under Sections 108, 3(5) of the BNS, at Police Station Division 'B', Amritsar.

2. The aforementioned FIR was registered on the basis of statement recorded by the complainant – Namberdar Ranjit Singh, alleging that his cousin brother Kartar Singh was married with the present petitioner. There was matrimonial discord between the petitioner and Kartar Singh, due to which quarrels used to take place between them, and Kartar Singh used to remain tense and perplexed. On 21.06.2025, the petitioner and her sister

Arwinder Kaur had misbehaved with Kartar Singh by hurling abuses and assaulting him, due to which he left home and did not return. A missing report was lodged by his sister. On 25.06.2025, his dead body was found in a canal near village Dhund. By alleging that the petitioner in connivance with the co-accused had abetted suicide by the victim, he prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings were initiated. The petitioner and her son Harmohit Singh was arrested on the same day. They suffered disclosure statements admitting their involvement in the crime. Two more persons were nominated as accused. Investigation qua the petitioner now stands completed.

4. It is argued by learned counsel for the petitioner that she along with her son and two other persons, has been falsely implicated in this case by the complainant. Co-accused Arwinder Kaur and Rawel Singh have been extended benefit of anticipatory bail. She has clean antecedents. She is in custody since 25.06.2025. Trial will take considerable time to conclude. Ingredients for commission of the subject offences are not at all attracted qua her. Her further incarceration would not serve any useful purpose. 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 argued that there are serious and specific allegations against the petitioner, who along with co-accused had extended beatings to the victim and harassed him, thereby forcing the victim to take the extreme step of committing suicide. There are chances of her intimidating the witnesses, if extended benefit of

bail. It is, therefore, stressed that the petitioner does not deserve to be released on bail.

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

7. The petitioner is alleged to have abetted suicide by the victim on the allegations that on 21.06.2025, she had hurled abuses and assaulted him. 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 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 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 she has instigated or abetted the victim to commit suicide or on account of harassment caused by her, he 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 07 months. 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. 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 her 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.

(MANISHA BATRA)
JUDGE

10.02.2026

harjeet

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