



CRM-M-46159-2023 (O&M)

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2026:PHHC:077516



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

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Date of Decision: 15.05.2026

Jagdeep Singh

...Petitioner(s)

Vs.

State of Punjab and another

...Respondent(s)

Coram : Hon'ble Mr. Justice N.S. Shekhawat

Present: Mr. Sandeep Sharma, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

Mr. Atul Goyal, Advocate
for respondent no.2.

N.S. Shekhawat, J.

1. The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR no.270 dated 14.10.2019, registered under Section 306 IPC, at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib, (Annexure P-1) and all the consequential proceedings arising therefrom.

2. The FIR in the present case was registered on the basis of the statement made by Shiv Kumar— respondent no.2 and the same has been reproduced below:-

“Statement of Shiv Kumar, s/o Sh. Subhash Gumbar, s/o Bhagat Ram Gumbar resident of Mohalla Sarangpura, Street No. 2 in front of Everest Public School Kacha Thandewala Road, Shri Muktsar Sahib age about 33 years, Mobile No. 62391-63440. Stated that I am resident of the above mentioned address and our own Brick-



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Kiln is in village Mohlan. At this Brick-Kiln I and my father do the work and alongwith my father, Subhash Gumber, I was doing the work of Contractor also. We are three sisters and brothers. My sister Geetoo is married to Anmol Arora, resident of Kharar and younger sister Maalti is married to Rahul Grover resident of Moga. I am also married and I am residing with my parents along with family. About 9 months ago, my father had borrowed Rs.one lac at the interest from Varinder Kumar Gupta son of Babu Ram Gupta resident of street No. 4, Kotakpura Road, Shri Muktsar Sahib, in lieu of which, Varinder Kumar Gupta had taken 5 blank cheques and blank NJ Stamp Paper of our house from my father at which he had got appended the signatures of my father and mother and Varinder Kumar Gupta used to make phone calls many a times for demanding this money and my father often used to share all the things with me. Yesterday on dated 13-10-19 at about 8:00 hours in the morning, Varinder Kumar Gupta and his son, and Chhindi, s/o Chiman Lal, resident of Thandewala Road, Shri Muktsar Sahib and other unknown person came and all persons said to my father that if you return our money till today evening then it is all right, otherwise by taking out all the articles of your house, we will take possession of the house and we will also present your cheques in the bank and hurled abuses at us and threatened. After making much noise they went from there. My father due to this botheration did not go to work yesterday and remained at home whole day. In the night, whole family slept in the lower portion. Our house consists three storeys. Today, on getting up in the morning, when we traced my father in the house my father was lying at the third storey on the cot and froth was coming out from his mouth and by the cot one bottle of 750 M.L. Coca Cola and one tumbler was lying. Out of which the smell of spray was coming. He had died. My father being aggrieved from the threatening of Varinder Kumar Gupta, his son and above mentioned Chhindi and one other unknown person had committed



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suicide and besides this, my father was to take the money of scheme of committees from the persons of R.K. Furniture, who by doing the calculation kept the record with them and said for what we are to give you money and made my father run away. Our Kiln is in village Mohlan. For which, Jagdeep Singh, contractor of village Karampatti who gets the bricks from our Kiln for Government work and he had taken the bricks from our Kiln of about Rs. 10 lacs and out of which about 04 lacs had come and the remaining Rs.06 lacs were due. Regarding which on our saying again and again he was not giving the amount. Of that also there was sufficient tension to my father. Besides this, my father had taken work of constructing the Pucca Khaal of the Department in PSTC (Punjab State Tubewell Corporation). This work had been completed and the XEN Malot and XEN Abohar of P.S.T.C. department were not giving about Rupees 25 to 30 lacs to him and in this very department my father had taken the contract of constructing the Khaal from Jaspal Singh, J.E. resident of Babaniyan, from whom Rs.06 lacs are still to be taken who was not giving on demanding again and again. Due to which my father was also taking the tension of this amount. My father Subhash Gumbar being aggrieved from these above mentioned persons by drinking the poisonous medicine has ended his life. Therefore, appropriate legal action be taken against all the above mentioned persons. I have got my statement recorded, heard, is correct. Sd/- Shiv Kumar above mentioned. Attested Sd/- Balwinder Singh ASI Police Station City S.M.S. dated 14-10-19.”

3. Learned counsel for the petitioner submits that on 13.10.2019, Subhash Gumbar, father of the complainant had committed suicide in his residential house. From a perusal of the FIR Annexure P-1, it is evident that the complainant tried to settle scores with all the persons, with whom his family

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was having enmity. Even against the petitioner, it was alleged that the petitioner, who is a Contractor of village Karampatti, used to buy bricks from their brick-kiln for government work and he had taken bricks from their kiln of about Rs.10 lacs. However, he had only paid a sum of Rs.4 lacs and remaining amount of Rs.6 lacs was outstanding. In spite of repeated requests, the petitioner had not paid the amount to his father and his father was tensed due to this. Besides this, his father had taken the government construction work from Punjab State Tubewell Corporation and the work had been completed. However, the Executive Engineers of the Department were not giving Rs.25 to Rs.30 lacs to him and his father was having tension due to the said fact also.

4. Learned counsel for the petitioner submits that in fact the allegations levelled by the complainant in the present FIR were apparently false and motivated. The petitioner had purchased bricks from the brick-kiln of the deceased in the years 2013-2014 and 2014-2015, total amounting to Rs.9 lacs by referring to payment schedule, Annexure P-2. Learned counsel contends that the entire payment of Rs.9 lacs was made through cheques and the entries were made in the accounts also and nothing was outstanding against the present petitioner. He further contends that in the present FIR, the complainant has not mentioned the dates on which the bricks were purchased by the petitioner and the details of other payments, which were yet to be made by the petitioner. He further submits that even if it is presumed that the petitioner had made the payments for buying the bricks in the years 2013-2014 and 2014-2015, still it cannot be stated that the petitioner had instigated the deceased to commit suicide on 14.10.2019 i.e. after about 04 years.

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5. Apart from that there was no *mens rea* on the part of the petitioner to commit crime. In fact, the offence under Section 306 IPC requires a direct and active act on the part of the accused, which led the deceased to commit suicide having no other option and the act must have been intended to push the deceased in such a position that he committed suicide. Learned counsel contends that the petitioner had made the entire payments and there was no money transactions pending between the petitioner and deceased and even during the course of investigation, no evidence could be led in this regard. Thus, the FIR and all consequential proceedings are liable to be quashed by this Court.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner and other accused had harassed the deceased to the extent that he had to commit suicide. During investigation, it was found that the petitioner is an agriculturist, whereas he was also working as a government contractor in Irrigation Department. In the year 2013-2014, he secured a contract to reconstruct the minor canal of village Karampatti and he had purchased bricks worth Rs.9 lacs from the deceased. He had only made the payment of Rs.4 lacs and the remaining amount could not be paid by him and he defaulted in making the payments.

5. I have heard the learned counsel for the parties and have gone through the record carefully with their able assistance.

6. 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.”

7. 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 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 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 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, 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 act 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 “goadings”. The Court opined that there should be 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 other option and that act must have been intended to push the deceased into such a position that he committed suicide.”

8. Now, I would proceed to examine the facts of the present case in the light of the law laid down by the Hon’ble Supreme Court. In the present case, the main allegation against the present petitioner is that the petitioner was working as a Government Contractor and the deceased had supplied him the bricks in the year 2013-2014. The petitioner had purchased the bricks of total Rs.9 lacs from the kiln of the deceased and had paid only Rs.4 lacs and remaining amount could not be paid by the petitioner. Even, though the petitioner has claimed by producing Annexure P-2 to contend that the total amount of Rs.9 lacs was paid by him by way of cheques, still by any stretch of imagination, it cannot be said that the petitioner had instigated the deceased to commit suicide on 14.10.2019 i.e. after a period of almost four years. Even, there is not even a vague allegation to suggest that during this period of five years, there was any continuous conduct of harassment on the part of the petitioner and by drawing a wrong inference, the petitioner has been wrongly charged in the present case.

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9. Apart from that, even if the allegations levelled in the FIR are accepted as it is, there is no element present for making out the *prima facie* case worth punishable under Section 306/34 IPC. Even otherwise, the deceased had his own remedies in law to recover the amount from the present petitioner, if any and it can never be said that the petitioner had abetted the suicide of the deceased.

10. In view of the aforesaid discussion and the law laid down by the Hon'ble Supreme Court, I find it to be a fit case for quashing the FIR. Accordingly, the present petition is allowed and FIR no.270 dated 14.10.2019, registered under Section 306 IPC, at Police Station Sri Muktsar Sahib, District Sri Muktsar Sahib, (Annexure P-1) and all the consequential proceedings arising therefrom, are quashed qua the petitioner only.

11. Pending application(s), if any, stand(s), disposed of, accordingly.

15.05.2026*sunil***(N.S.SHEKHAWAT)
JUDGE**

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