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

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Date of decision: 02.09.2025

Kiranpal Singh Brar

...Petitioner

V/s

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Himmat Singh Sidhu, Advocate for the petitioner.
Mr. Baljinder Singh Sra, Addl. A.G. Punjab.
Mr. A.S. Ahluwalia, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.18 dated 17.03.2025 registered for offences punishable under Section 108 of the BNS, 2023 and Section 107 of BNS, 2023 (added later on) at Police Station Bariwala, District Sri Muktsar Sahib.

2. The gravamen of the FIR pertains to an incident in which the complainant namely Karanveer Kaur, wife of Gurlal Singh, resident of Marahak, District Faridkot (wife and mother of the deceased) stated that on the alleged day of occurrence her husband Gurlal Singh and her son namely Baljodh Singh, went on his motorcycle to fetch milk but did not return home. Later the complainant was informed that both had jumped into the Rajasthan Feeder Canal near village Warring Wali Jorrian. Their motorcycle and mobile phone were found at the roadside of the said canal.

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She alleged that her father-in-law namely Jagroop Singh had repaid loan(s) taken from Tarsem Singh s/o Gurditta Singh (Numberdar), Suba Singh s/o Kattar Singh, Manpreet Singh @ Meeta s/o Darshan Singh, Badal Singh s/o Harbhajan Singh, Kiran Pal Singh s/o Joginder Singh (petitioner herein), Bhag Singh s/o Gurdial Singh, Mukand Singh s/o Gurbachan Singh, Jang Singh s/o Gurbachan Singh, Jagsir Singh s/o Angrej Singh, Sikander Singh s/o Chand Singh, all residents of Marhak and Gupi Suresh & Sons (Commission Agents), residents of Jaito. She alleged that even after repayment, the aforesaid persons continuously harassed her husband, demanding money and abusing him in our house. It was further alleged that after the death of father-in-law of the complainant about four years ago, the aforesaid persons used to abuse the husband of the complainant by coming to the house. The complainant alleged that due to the persistent pressure and humiliation, her husband Gurlal Singh and her son were compelled to end their lives by committing suicide. On these set of allegations, instant FIR was registered and investigation ensued.

3. Learned senior counsel for the petitioner has iterated that present FIR has been registered against 11 accused persons, including the petitioner, on identical allegations that loans were advanced to Jagroop Singh – father of the deceased - Gurlal Singh. Learned senior counsel has further iterated that after the death of said Jagroop Singh, some of the accused, including the petitioner, filed civil recovery suits for their dues. Learned senior counsel has further submitted that the petitioner has advanced a loan of Rs.2,85,000/- to father of the deceased namely Jagroop Singh and his real brother Lachman Singh on the basis of pronote and

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receipt date 04.03.2020 duly scribed by a registered deed writer at Jaito. However, on default of repayment, the petitioner instituted a recovery suit on 06.08.2021 (copy whereof is appended as Annexure P-2). Learned counsel asserts that all the persons named in the FIR are creditors from whom the deceased and his father has borrowed money and they were pursuing their legitimate claims through due process of law by filing recovery suits. According to learned counsel, the unfortunate suicide of Gurlal Singh and his son has caused loss not only to their own family but also to the petitioner and other creditors and hence the petitioner has gained nothing from their death. Furthermore, the impugned FIR also refers to a video allegedly recorded by the deceased before committing suicide wherein he named several persons, including his own wife and even stated that she would be happy after his death which shows that the allegations are exaggerated and not specifically attributable to the petitioner. Moreover, co-accused of the petitioner have already been granted the concession of anticipatory bail by the Court below. It is further submitted that the petitioner never demanded any money directly from deceased Gurlal Singh nor instigated or abetted him in any manner to commit suicide. Learned counsel further asserts that nothing is to be recovered from the possession of the petitioner. In the factual *milieu* of the case in hand, the custodial interrogation is neither warranted nor justified and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.



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4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Referring to reply dated 21.08.2025, filed by way of affidavit of Naveen Kumar, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, relevant whereof reads as under:

“9. *Role of the petitioner*

That the name of the present petitioner-Kiranpalsingh Brar has found mention in FIR among the other co-accused who used to harass the deceased for the sake of recovery of amount. As per the facts came in light it is evident. that the deceased Gurlal Singh was under financial liabilities of his father Jugroop Singh who had died 04 years back of FIR. Since then the present petitioner-Kiranpal Singh and co- accused had started demanding money from Gurlal Singh used to visit the house of Gurlal Singh and resorted filthy language and threatened him. The deceased became fed up with the harassment being meted out by the petitioner and others and therefore deceased Gurlal Singh along with his Baljodh Singh went to Rajasthan Feder Canal and committed suicide by jumping in the canal. The present petitioner- Kiranpalsingh by his act and conduct instigated the deceased Gurlal Singh and his son Baljodh Singh to take a extreme step of taking their own life.

10. *Evidence against Petitioner:*

The allegations against petitioner recorded in FIR are proved by witnessi) Sarabjit Kaur w/o Late Lachhman Singh, ii) Bohar Singh s/o Mahinder Singh, iii) Pargat Singh s/o Buta singh, iv) Paramjit Singh s/o Jaswant Singh r/o Mallan. The deceased Gurlal Singh before committing suicide made a video in his mobile phone and same has been taken into possession in the shape of pen drive. In the said video, the deceased had specifically named the present petitioner- Kiranapal Singh, co-accused Tarsem Singh and Bhag Singh and held them responsible for their suicide.”

Learned State counsel has raised submission in tandem with the aforesaid reply. Learned State counsel has further submitted that the two human lives have been lost and one of the victim namely Gurjot Singh was



a minor at the time of occurrence. He, thus, prays that the present petition is devoid of merit and is liable to be dismissed.

5. Learned counsel appearing for the complainant has vociferously opposed the instant petition by arguing that the allegations in the FIR are grave and serious. Learned counsel has iterated that the complainant has specifically stated that the petitioner alongwith co-accused continuously harassed the deceased i.e. her husband and son and compelled them to commit suicide. The role of the petitioner is not merely of a creditor but of a person who despite repayment of loan(s) by the father of the deceased continued to pressurize and harass the deceased for money. He submits that in view of the seriousness of the offence, the incriminating material available and the continuing investigation, no ground is made out for the grant of anticipatory bail and prays for dismissal of the instant petition.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The impugned FIR has been registered against the petitioner alongwith 10 others on the allegations that they had advanced loans to late Jagroop Singh i.e. father of the deceased Gurlal Singh and after his death, they continuously harassed the deceased namely Gurlal Singh, compelling him and his son namely Baljodh Singh to commit suicide by jumping into the Rajasthan Feeder Canal. The FIR and the suicide video *prima facie* disclose that the deceased specifically named the petitioner alongwith others as responsible for his



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death. Though it is not disputed that filing a civil suit for recovery of a lawful debt is not by itself an offence but the allegations in the instant case go beyond litigation and point towards persistent harassment and humiliation. In the considered opinion of this Court whether such acts amount to abetment under Section 108 of BNS, 2023 is a matter of trial but at this stage, this Court cannot ignore the serious allegations leveled against the petitioner coupled with the fact that two lives have been lost. The material on record, including the alleged suicide video of the deceased, indicates that the deceased had named several persons responsible for his death. The very fact that the name of the petitioner figures therein is sufficient at this stage to bring him within the ambit of investigation and trial. The evidentiary value of such a dying declaration cannot be brushed aside at the stage of consideration of anticipatory bail.

8. The plea of the parity with the co-accused is misplaced as the grant of bail depends upon the role attributed to each individual. The petitioner is specifically named both, in the FIR and in the dying declaration of the deceased. The fact that some co-accused have been granted the concession of bail cannot, by itself, entitle the petitioner to the same. The allegations in the FIR coupled with the investigation conducted so far, *prima facie* indicate the commission of a grave offence.

9. Furthermore, the investigation is still at a crucial stage and the custodial interrogation of the petitioner may be necessary for collection of evidence, including money lending records, pronotes and other documents. The suicide of both the deceased and his young son reflects the extreme harassment and unbearable pressure exerted by the accused persons,



including the petitioner. This constitutes a serious offence affecting public order and societal interest. The offence alleged is serious in nature and the grant of anticipatory bail at this stage may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and the possibility of tampering with evidence or obstructing justice, this Court is of the considered view that the petitioner does not deserve the concession of bail at this juncture. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

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16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The



first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. A profitable reference in this regard is being made to the dicta passed by the Hon’ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon’ble Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



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At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Moreover, as per the allegations, two persons have committed suicide out of which one was minor. Hence, the FIR in question invokes Section 107 of BNS, 2023. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 02, 2025
Ajay

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