



CRM-M-47016-2025

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

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CRM-M-47016-2025

Date of decision: 02.09.2025

Tarsem Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Varda, 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. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.0018 dated 17.03.2025, registered for the offences punishable under Section 108 of the BNS, 2023 at Police Station Bariwala, District Sri Muktsar Sahib (Annexure P-1).

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. She alleged that her father-in-law namely Jagroop Singh had repaid loan(s)



taken from Tarsem Singh s/o Gurditta Singh (Numberdar) (petitioner herein), 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, 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. The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed on 20.05.2025. The relevant part of said order reads as under:-

“7. It is evident from the perusal of record that in the last video recording of the deceased he has specifically named the present petitioner alongwith other co-accused to be instrumental in the committing of suicide by the deceased Gurlal Singh and his son, being fedup with the harassment given by the petitioner and other co-accused. Therefore, considering the serious nature and gravity of the offence, no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequence, the petition is hereby dismissed.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.”



Thereafter, the present petition (i.e. the second petition for grant of anticipatory/pre-arrest bail) has been preferred by the petitioner on 20.08.2025 refiled on 25.08.2025.

4. Learned counsel for the petitioner has iterated that the allegations contained in the impugned FIR are false and concocted with an oblique motive to harass the petitioner and to extort money from him. Learned counsel has further iterated that the name of the petitioner does not figure in the video uploaded by the deceased Gurlal Singh nor is there any material whatsoever brought on record which may even remotely connect the petitioner with the alleged offence. Learned counsel has further argued that the petitioner is innocent and has been falsely arrayed as an accused. Furthermore, nothing is to be recovered from the possession of the petitioner and hence his custodial interrogation is neither warranted nor justified. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

5. *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 01.09.2025, filed today by way of affidavit of Naveen Kumar, PPS, Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, relevant whereof reads as under:

“10. Role of the Petitioner

That the name of the present petitioner-Tarsem Singh (Namberdar) has been recorded in FIR, 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 Jagroop Singh who had died 04 years back of FIR. Since then the present petitioner had started demanding money from Gurlal Singh used to visit the house of Gurlal Singh and resorted filthy language and threatened him of dire consequences. 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-Tarsem singh 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.

11. Evidence against Petitioner:

The allegations of FIR are supported by witness namely 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- Tarsem Singh Singh for causing his harassment. In his video, deceased Gurlal Singh has held the petitioner 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.

6. 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.

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

8. It would be apposite to refer herein to a judgment passed by this Court in ***Bhisham Singh vs. State of Haryana, 2024:PHHC:048105***; relevant whereof reads as under:-

10. The pivotal issue, in any plea for grant of bail whether anticipatory bail or regular bail, is the liberty of an individual. Liberty occupies a place of pride in our society and jurisprudence. The framers of the Constitution hence provided inter alia in Article 21 of our Constitution that no person shall be deprived of his personal liberty except according to procedure established by law. The Cr.P.C. is one such procedural law which permits curtailment of liberty of antisocial and antinational elements. Hence while interpreting any aspect pertaining to bail, a Court ought to keep the above concept in cardinal focus.

10.1 An analytical perusal of Cr.P.C. would elucidate that this statute does not contain any provision relatable to maintainability or otherwise of second/successive bail petitions, including one(s) seeking anticipatory bail. Once there is no statutory prohibition provided for in law, a Court is not logically empowered to import into it such prohibitions especially in case of codified and legislated law. It is trite law that Courts ought not to read a provision in codified law which has not been specifically provided for by the legislature especially when such reading results into deprivation of rights.

*10.2 The Hon'ble Supreme Court in case of **Babu Singh** case (supra) has held that rejection of a bail petition does not, by itself, forbid a Court from considering another one later in point of time. It can be safely inferred that the decision of a Court qua bail petition (whether regular bail petition or anticipatory bail petition) is essentially an interlocutory order and hence the concept of res judicata does not apply. Almost all the Hon'ble High Courts have enunciated the view that second/successive plea(s) for grant of*



*anticipatory bail is maintainable albeit with some circumspection and material change of circumstance(s) being a prime requirement. The full bench of Hon'ble Rajasthan High Court in case of **Ganesh Raj** case (supra), the full bench of Hon'ble Calcutta High Court in case of **Sri Sudip Sen** case (supra), the division bench of Hon'ble Andhra Pradesh High Court in case of **K.Gajendra Naidu** case (supra), the division bench of Hon'ble Madhya Pradesh High Court in case of **Imratlal Vishwakarma** case (supra) and the division bench of Hon'ble Gauhati High Court in case of **Runu Roy** case (supra) have, inexorably, echoed this exposition.*

10.3 *Judicial experience indicates that, more often than not, an attempt is made by the non-applicant i.e. the State/complainant/victim to differentiate between the situations wherein first/earlier anticipatory bail petition has been dismissed as withdrawn/dismissed as not pressed vis-à-vis where the earlier petition has been dismissed on merits thereof. In other words, it is canvassed that where the first/earlier petition has been dismissed as withdrawn, that the petitioner/applicant-accused has given up on his right(s) and hence subsequent anticipatory bail petition is not maintainable. The Hon'ble Supreme Court in case of **Rani Dudeja** case (supra) has held that the second anticipatory bail would be maintainable even in case wherein earlier one was dismissed as withdrawn. A division bench of this Court, while answering a reference in this regard, has held in case of **Manjinder Kaur** case (supra) that the second anticipatory bail petition would be maintainable wherein the first one has been dismissed as withdrawn. To the similar effect is the ratio decidendi of a division bench of Madhya Pradesh High Court in the case of **Imratlal** case (supra). Hence, this seeming conundrum stands set at naught. Accordingly, it is ineluctable that the second/successive petition(s) for grant of anticipatory bail is maintainable even when the first/earlier one was dismissed as withdrawn.*

10.4 *The issue that next craves attention is as to what are the factors/parameters for consideration of second/successive anticipatory bail petition(s). The concordant view of all the Hon'ble High Courts is that the essential prerequisite for consideration of second/successive anticipatory bail petition(s) is material/substantial change in circumstances, unearthing of substantial new material and other factors of akin nature. The Hon'ble Supreme Court in case of **G.R. Ananda Babu** case (supra) has enunciated that specious reason of change in circumstances cannot be relied upon for invoking successive anticipatory bail petition(s). Accordingly, the new grounds pleaded/change in circumstances ought to be substantial in nature.*

10.5 *No rigid or universal criteria can possibly be delineated to conclusively govern the exercise of judicial discretion, in determining, as to*



what would constitute as the above stated substantial change in circumstances. Factual flexibility, one additional or different fact, may make a sea of difference between two cases. There is no gainsaying that each case has its own distinct and unique facts and, hence, exercise of such judicial power is best left to the judicial discretion of a Court in accordance with the settled norms of our jurisprudence.

11. *As an epilogue to the above rumination, the following principles emerge:*

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

9. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed by a Coordinate Bench of this Court on 20.05.2025. The contention(s) raised on behalf of the petitioner



that he has been falsely implicated into the FIR in question and is not responsible for the death of the deceased, were considered at that time and thereafter the said petition was dismissed. Thereafter, in the instant petition i.e. second petition (for grant of anticipatory bail), the petitioner has reiterated the grounds previously taken (at the time of rejection of the first petition on 20.05.2025).

There is no substantial change *nay* any change in circumstances which may weight, in favour of entertaining the instant second petition for bail. *Ergo*, the instant petition deserves dismissal on this score alone. Moreover, the prolonged evasion of the petitioner weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. Furthermore, the first petition was dismissed on 20.05.2025 and the instant petition has been preferred after a gap of more than 03 months. It is evident that the petitioner has evaded the process of law for over 03 months. The conduct of the petitioner in avoiding arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this second petition. Process of justice is meant to treat every individual in a manner which is equitable and fair. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating the lawful proceedings/investigation, it tantamounts to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the



Court. The hiatus of more than 03 months on part of the petitioner (herein) is inexplicable *may* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him for grant of anticipatory bail.

9. Furthermore, no fresh substantial change in circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. All the grounds urged by the petitioner in the present petition have already been considered & decided and view thereupon has been taken vide judgment dated 20.05.2025. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

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

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 02, 2025
Ajay

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