

2026:PHHC:042530



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

103-2

CRM-M-10689-2026

Bablu Sahni

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 18.03.2026**Date of Uploading : 18.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. V.S. Rishi, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

Mr. R.S. Jodha, 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.237 dated 10.12.2025 registered for offences punishable under Section 108 of the BNS, 2023 at Police Station Macchiwara, Khanna.

2. The FIR in the present case has been lodged on the statement of the complainant Kavita Devi, wife of the deceased Rajesh Kumar, who alleged that the deceased was engaged in labour contracting work and had developed a habit of gambling, owing to which he had incurred substantial debts. It has been further alleged that the petitioner, along with co-accused, had been advancing money to the deceased on commission for gambling purposes and thereafter demanding repayment at an exorbitant rates,

including recovery of double the amount advanced. The complainant has further alleged that the petitioner and co-accused used to repeatedly visit the house of the deceased, subject him to harassment, humiliation and threats, including dispossession of household articles in case of non-payment of the advanced money. As per the allegations, on 09.12.2025 one of the accused came to the house of the deceased, raised demands for the money and hurled abuses. As a result, the deceased was left in a distressed state and subsequently, the deceased was found hanging in his room. A suicide note had been allegedly recovered from the house in which direct allegations of abetting deceased to commit suicide had been raised and blaming the Ashok Sahni, Sambu Sahni and Bablu Sahni (petitioner herein) for his death. It has been alleged by the complainant that due to the persistent pressure and humiliation by the petitioner and co-accused, her husband was compelled to end his lives by committing suicide. On these set of allegations, instant FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and the allegations in the FIR do not satisfy the essential ingredients of the offence of abetment of suicide. Learned counsel has further iterated that the entire case of the prosecution revolves around the allegation that the petitioner has demanded repayment of the money allegedly advanced to the deceased. According to learned counsel, such an act, by itself, cannot by any stretch of imagination be construed as instigation so as to attract the provisions relating to abetment of suicide. Furthermore, there is no material on record to show that the petitioner has ever provoked, instigated or compelled the deceased to take the extreme step. It has been further contended that the

allegations are general and omnibus in nature without attributing any particular overt act to the petitioner. Learned counsel has asserted that the deceased was involved in gambling activities on account of which he has incurred debts from the multiple persons and the unfortunate act of suicide appears to be a consequence of the own financial distress and personal circumstances of the deceased for which petitioner cannot be held criminally liable. Learned counsel has emphasized that the alleged suicide note cannot be relied upon at this stage, as its authenticity and evidentiary value are yet to be established in accordance with law. Learned counsel has further asserted that the entire case is based on documentary material and 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 petition in hand is entreated for.

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. Learned State counsel has iterated that the complainant has specifically alleged that the petitioner alongwith co-accused has caused immense mental pressure upon the deceased which compel him to end his lives by committing suicide. According to learned State counsel, the petitioner was not only demanding the repayment of debt but extract exorbitant amount including demands of double the principal sum thereby exploiting the vulnerable financial condition of the deceased. Learned State counsel has emphasized that the petitioner, along with co-accused, has repeatedly visited the house of the

deceased and subjected him to humiliation and threats, including threats to dispossess him of household articles in case of non-payment. Learned State counsel has placed reliance upon the suicide note recovered during investigation wherein the deceased has categorically named the petitioner as one of the persons responsible for his death and has specifically alleged that he was being tortured by them. Learned State counsel has further argued that the custodial interrogation of the petitioner is necessary to unearth the complete chain of events, including the nature of financial transactions and the larger nexus, if any, of illegal money lending and gambling activities. In view of the gravity of the allegations and the requirement of effective investigation, the petitioner does not deserve the concession of anticipatory bail. On the strength of these submissions, the dismissal of the petition in hand is prayed for.

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

6. As per the case put forth in the FIR *ibid*, indubitably, serious allegations have been levelled against the petitioner. At this stage, the allegations in the FIR cannot be brushed aside as vague or general. The material placed on record, particularly the contents of the suicide note, *prima facie* indicate that the deceased has specifically named the petitioner and attributed acts of continuous harassment and torture to him. The impugned FIR has been registered on the allegations that the petitioner alongwith co-accused has subjected the deceased to mental pressure, humiliation and coercion which compelled him to commit suicide. The petitioner is alleged to have advanced money to the deceased for gambling purposes and thereafter continuously pressuring and harassing the deceased

for the repayment of the same. Moreover, the petitioner has been repeatedly visiting the house of the deceased & threatened him with dire consequences and creating pressure. 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.

7. Furthermore, the investigation is still at a preliminary stage; the attending circumstances leading to the death are yet to be fully examined. In such circumstances, this Court is of the view that the matter requires thorough investigation and it cannot be said, at this stage, that the custodial interrogation of the petitioner is not required. 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. The plea that custodial investigation is not required is devoid of merit, in as much as the nature and gravity of the allegations, coupled with the necessity to unearth the complete chain of events, warrants effective custodial interrogation of the petitioner. Given the seriousness of the offence, the stage of investigation and the possibility of tampering with evidence, this Court is of the considered view that the petitioner does not deserve the concession of anticipatory 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.

xxx

xxx

xxx

xxx

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.”*

8. 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.”

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. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

9. 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

March 18, 2026

Ajay

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