



CRM-M-48047-2026

1

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

106

CRM-M-48047-2026

Guru Pooja Mahant chela Guru Jeet Rani

...Petitioner

V/s

State of Punjab and another

...Respondents

Date of decision: 27.08.2026**Date of Uploading : 27.08.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Kuldip Singh Chaudhary, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. Sapan Dhir, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.299 dated 12.09.2025, registered for the offences punishable under Sections 115(2), 126(2), 118(1), 109, 351(2), 191(3), 190 of BNS at Police Station Kharar, District SAS Nagar (Mohali).

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail which was dismissed on 08.12.2025 by a detailed order by coordinate Bench of this Court. Aggrieved, the petitioner had posed a challenge to the said order before the Honble Supreme Court but remained unsuccessful as the Hon'ble Supreme Court found no good reason to interfere with the order passed by this Court.



CRM-M-48047-2026

2

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 24.08.2026 before this Court.

2. The gravamen of the FIR in question reflects that on 06.09.2025 the complainant namely Maniksha Mahant (respondent No.2 herein), was returning along with her driver – Sonu Khan in her Bolero vehicle bearing registration No. PB-65-BK-7786 after completing her work at Landran. At about 6:30 p.m., when she reached near the cremation ground of village Sawara, a red-coloured Bolero bearing registration No. PB-11-CK-8302 came and stopped in front of her vehicle. According to the complainant, the petitioner, namely Pooja alias Umar Sakir, alighted from the said vehicle carrying a sharp-edged weapon and forcibly dragged the complainant out of her vehicle. Thereafter, the petitioner inflicted a blow on the head of the complainant with the said weapon with an intention to kill her. As a result thereof, the complainant started to bleed and fell on the ground. Thereafter, other co-accused also got down from the vehicle and the FIR further attributes specific acts to them, including an assault with a *kirpan*, an attempt to strangle the complainant with an iron chain and a further assault involving a stick. It has also been further alleged that thereafter several unknown persons arrived at the spot in another vehicle, who were allegedly exhorted by the petitioner to assault the complainant. The complainant was thereafter given kick blows and allegedly left at the spot in a critically injured condition and was taken to the Civil Hospital, Kharar by her driver. On these set of allegations, the FIR in question came to be registered and investigation ensued.



CRM-M-48047-2026

3

3. Learned counsel for the petitioner has iterated that the petitioner is innocent and has been falsely implicated into the FIR in question on account of a long-standing dispute between two factions of the eunuch community concerning territorial rights for receiving alms and succession to the spiritual seat i.e. the Guru Gaddi. Learned counsel has further iterated that the petitioner is the recognised successor of late Guru Jeet Rani, whereas the complainant belongs to the rival faction. According to learned counsel, the FIR is a result of the continuing rivalry and a series of false cases allegedly instituted against the petitioner to dislodge her from the Guru Gaddi. Learned counsel has emphasized that there has been a material change in circumstances after the dismissal of the earlier bail petition by coordinate Bench of this Court. It has been submitted that the petitioner has taken a specific plea of *alibi* from the beginning that she was present at her residence on 06.09.2025 and was not present at the place of occurrence. In support of the said plea, the petitioner had submitted an original DVR, a pen drive containing CCTV footage and other electronic material to the police along with a representation dated 11.11.2025. It has been further contended that the electronic material was, thereafter, referred to the Central Forensic Science Laboratory, Chandigarh, for forensic examination. According to learned counsel, the CFSL report and the subsequent police enquiry establish that the petitioner was present at her residence at the relevant time and was not present at the spot of the alleged occurrence. Learned counsel has argued that this subsequent scientific material unequivocally establishes that the petitioner was not present at the spot and corroborates the plea of *alibi* beyond a shadow of doubt & also



CRM-M-48047-2026

4

constitutes a material change in circumstances. Learned counsel has further submitted that the electronic evidence has already been seized and examined and nothing remains to be recovered from the petitioner. Furthermore, the custodial interrogation of the petitioner is, therefore, no longer required in the factual *milieu* of the case in hand. On the strength of these submissions, it is contended that the present petition is maintainable as a second petition because the circumstances have materially changed after the dismissal of the earlier petition.

4. In *oppugnation*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for grant of anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the earlier petition was dismissed by coordinate Bench of this Court by a detailed order on 08.12.2025 and neither any prayer was made nor was any liberty granted to the petitioner to file afresh. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, while opposing the plea in hand on merits, has submitted that the allegations against the petitioner are specific and serious and that she has been named as the main/principal assailant in the occurrence. Learned State counsel has further iterated that the prosecution case is supported by the statement of the injured complainant, who specifically attributed the head injury to the petitioner. Furthermore, the plea of alibi is essentially a matter of evidence and cannot be considered at the stage of anticipatory bail.



CRM-M-48047-2026

5

Moreover, petitioner does not have clean antecedents as she is involved in as many as 16 other FIRs. Accordingly, a prayer has been made for the dismissal of the petition in hand.

4.1. Learned counsel appearing for the complainant-respondent No.2 has raised submissions in tandem with the learned State counsel and has sought for dismissal of the petition in hand.

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

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“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).



CRM-M-48047-2026

6

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.”

7. Indubitably, the first petition(s) (for grant of anticipatory bail) preferred by the petitioner has been dismissed by the coordinate Bench of this Court on 08.12.2025 after considering the material placed on record including the nature of offence and the stage of investigation. The petitioner, thereafter, challenged the said order before the Hon’ble Supreme Court, but the same was dismissed vide order dated 12.01.2026. Thereafter, in the petition in hand 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 08.12.2025) except that the CFSL report coupled with the enquiry conducted by the Police on the representation has established that the petitioner was not present at the spot on the alleged day of occurrence.

In the considered opinion of this Court, it would be apposite to refer herein to the earlier order passed by this Court for the purpose of examining the alleged change in circumstances. While considering the first petition, the coordinate Bench of this Court had already taken note of the

**CRM-M-48047-2026****7**

plea of the petitioner that CCTV footage showed her presence at her residence. However, the coordinate Bench observed that the CCTV footage did not cover the actual place of occurrence and that, at that stage, it could not be concluded merely from such footage whether the petitioner was not present at the spot of occurrence when the alleged incident took place. The coordinate Bench also noticed that the CCTV material was yet to be properly assessed and that the allegations of the complainant were specific, including the allegation that the petitioner had caused injury with a sharp-edged weapon. The coordinate Bench consequently held that custodial interrogation was relevant for investigation and recovery.

The petitioner now seeks to overcome the said finding principally by relying upon the CFSL report. However, a careful consideration of the material placed before this Court does not show that any fresh material has been brought on record which conclusively establishes that the petitioner could not have been present at the place of occurrence. The plea of the petitioner that the CFSL report has established the presence of the petitioner at her residence and not at the place of occurrence does not persuade this Court at this stage. The forensic examination of such electronic material and the question whether such material conclusively excludes the presence of the petitioner at the place of occurrence, are matters which have to be appreciated during the course of investigation and at the appropriate stage of trial. The material relied upon by the petitioner does not demonstrate a change in circumstances of such nature which would justify taking a view different from the one taken by the



CRM-M-48047-2026

8

coordinate Bench on 08.12.2025 particularly when the said order has also been upheld by the Hon'ble Supreme Court.

8. There is no substantial change *nay* any glaring change in circumstances which may weigh, in favour of entertaining the instant second petition for grant of anticipatory bail. *Ergo*, the instant petition deserves dismissal on this score alone. Moreover, the prolonged evasion of the petitioner from the process of law weighs heavily against the exercise of discretion in her favour under the provisions governing anticipatory bail. Furthermore, the first petition was dismissed on 08.12.2025 and thereafter the petitioner preferred an SLP before the Hon'ble Supreme Court against the said order but remained unsuccessful. The instant petition has been preferred after a gap of more than 08 months (i.e. on 20.08.2026). It is evident that the petitioner has deliberately evaded the process of law for over 08 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. The process of justice is meant to treat every individual in a manner which is equitable and fair. However, if the accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it is tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, 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*



CRM-M-48047-2026

9

of more than 08 months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles her from the 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 her 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 08.12.2025. 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

August 27, 2026

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No