



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

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CRM-M No.20406 of 2025 (O&M)

Date of decision: 11.04.2025

Amninder Singh @ Hani

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shivam Garg, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. This is second petition preferred by the petitioner under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in the case bearing FIR No. 90 dated 28.10.2024 under Sections 126(2), 115(2), 118(1), 351(2), 190, 191(3), 324(4) BNS, later added sections 117(2), 118(2), 238 BNS registered at Police Station Maloud, Police District Khanna, District Ludhiana.

2. Succinctly facts of the case are that FIR in the present case was lodged on the statement of Karan Singh son of Daljit Singh. It was alleged that on 27.10.2024, he alongwith his brother Depinder Singh @ Deepu was present at his house and at about 11:00 a.m., Sunny son of Karamjit Singh came, who was having injury in his right foot. He told that he went to the market to purchase milk on his motorcycle and while he was coming then he saw one car bearing registration No.PB-10-BZ

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2745 in which Sumit Goyal and Happy Deol were sitting. After parking the car, they surrounded him and then Happy hit him without any reason on his foot with Gandasa by taking out the same from the car. Being afraid, he fled away. The complainant alongwith his brother Depinder Singh @ Deepu reached the spot and then three persons were found damaging the motorcycle of Sunny and another 2-3 persons came in the car marked Swift. They were having rods and kirpan alongwith them. Honey Naromajra, Jashan Dudhal and Sukha Chommo also came on motorcycle, who were also having kirpans. Simri Uppoke attacked on the head of his brother Depinder Singh @ Deepu with Gandasa and Sumit Amargarh gave kirpan blow on the right foot of his brother. Honey Naromajra gave Kirpan blow on the right leg of his brother and Harry Chommo gave kirpan blow on left arm of his brother. Billa Kishanpura gave iron rod blow on the back of his brother. When the complainant came to rescue his brother, then Honey Naromajra gave Kirpan blow on his left arm and gave second blow on his left small finger. They raised alarm and on seeing the gathering, the assailants fled away. All the injured were shifted to the hospital. Request was made to take legal action against all the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Ludhiana, for the grant of anticipatory bail. Learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 24.01.2025. Afterwards, petitioner

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filed First petition for seeking anticipatory bail in the co-ordinate bench of this Hon'ble High court, which was dismissed vide order dated 20.02.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing this present second petition.

3. Learned counsel for the petitioner contends that the petitioner has been falsely and frivolously implicated in the present case as complainants are politically high headed person and with their high approach they got registered these cases against the petitioner. He, thus, submits that whole case of the prosecution rests on the probabilities which are not sufficient to make prima facie case against the petitioner. Further, contents that nothing is to be recovered from the petitioner even if the allegations of the prosecution are considered and the petitioner himself is ready to join the investigation, hence, he deserves to be granted anticipatory bail. Learned counsel further submits that the co-accused Jashanpreet Singh on the similar set of allegations had already been granted anticipatory bail by learned Sessions court Ludhiana vide order dated 03.02.2025.

4. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He has submitted that first application seeking anticipatory bail was dismissed recently by coordinate bench of this Court vide order dated 20.02.2025 and no substantial changes have taken place in the circumstances, thus, this second application deserves to be dismissed. He further submits that in the case of co-accused Jashanpreet Singh, only simple injuries were

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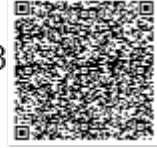


attributed to him, whereas, there are specific allegations against the petitioner that he was duly armed with Kirpan and had given blow of the same to the complainant and his brother. He submits that injuries attributed to the complainant and his brother have been declared to be grievous. He submits that the petitioner is the main accused, who has caused grievous injuries to complainant and his brother.

5. I have heard learned counsel for the parties and perused the record of the case with their able assistance.

6. The present petition seeking anticipatory bail is the second such application filed by the petitioner in relation to FIR No. 90 dated 28.10.2024.. The earlier petition, filed on similar grounds, was dismissed by a coordinate Bench of this Court vide detailed order dated 20.02.2025, wherein it was observed that there exists sufficient material on record to prima facie establish the petitioner's involvement in the alleged offence. The Court had categorically held the grant of anticipatory bail, at that juncture, would impede the fair and effective progress of the investigation, which was still at a nascent stage. It is, therefore, manifest that the previous order of rejection was based on a consideration of the gravity of the offence, the role attributed to the petitioner, and the necessity of custodial interrogation in furtherance of the investigation.

7. Further, the instant petition has been moved without there being any substantial change in the factual or legal circumstances since the dismissal of the earlier application. The petitioner has failed to point

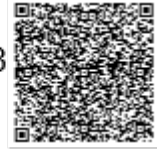


out any new material, subsequent event, or development which could justify a reconsideration of his plea for anticipatory bail. Pertinently, a three Judge Bench of the Hon'ble Supreme Court in **G.R. Ananda Babu Vs. State of Tamil Nadu and another, 2021(1) RCR (Criminal) 843** has held as follows:

“7. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

8. Reliance can also be placed upon the judgment rendered by the Hon'ble Supreme Court in **Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav, 2005(1) RCR (Criminal) 703**, wherein it was held that ordinarily, the arguments made previously cannot be re-agitated, as it would lead to loss of confidence in the process of administration of justice as well as open gates for forum hunting.

9. Further, a Full Bench of Calcutta High Court in **Maya Rani Guin and etc. Vs. State of West Bengal, 2003(1) RCR (Criminal) 774** has categorically held that entertaining second application for anticipatory bail would amount to review or re-consideration of the earlier order passed by a Court with competent jurisdiction, while the accusation remains unchanged. Since the allegations remain the same, in any event, the same reasons for apprehension of arrest cannot be reconsidered. Ergo, the second application for anticipatory bail, even if new circumstances arises after rejection or disposal of earlier



application, the second application would not be maintainable. Speaking through Justice M.H.S. Ansari, the following was observed:

“39. If in exercise of its power under Section 438 of Criminal Procedure Code the High Court or the Court of Session fixes duration as a condition of bail, the accused is required to seek regular bail under Section 437 of the Code and/or under Section 439 of the Code within the said duration. If regular bail is refused, the further remedy available to the aggrieved accused is for moving the higher Forum for regular bail. It is not and cannot be disputed that successive bail applications are permissible. The only condition being that unless there is change in the circumstances, the second application would not be maintainable on the ground that it would be deemed to be seeking review of the Court's earlier judgment which is not permissible under Criminal Law. The irresistible conclusion, therefore in the light of the observation in K.L. Verma's case (1997 Cal Cri LR (SC) 88) ("..... move the higher Court"), is that a regular bail application before higher Court is the only remedy. The bar of review by the same Court of its earlier judgment will not be attracted though circumstances remaining the same.”

10. In a similar matter, a Full Bench of the Rajasthan High Court in **Ganesh Raj Vs. State of Rajasthan and others, 2005(3) RCR (Criminal) 30**, speaking through **Justice Shiv Kumar Sharma**, made the following observations:

We hold that second or subsequent bail application under Section 438 Cr.P.C. can be filed if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. Second or subsequent anticipatory bail application shall not be entertained on the ground of new circumstances, further developments, different considerations, some more details, new documents or illness of the accused. Under no circumstances the second or successive anticipatory bail application shall be entertained by the Section Judge/Additional Sessions Judge.”

11. Reliance in this regard can also be placed on the judgment passed by this Court in **Rashpal Vs. State of Punjab in CRM-M-56246 of 2023** decided on 09.11.2023, wherein it was held that the second

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petition for the relief under Section 482 of BNSS (earlier Section 438 Cr.P.C.) is not maintainable, if no evident change in circumstances is indicated since dismissal of the first petition for the same relief.

12. In view of the settled law, once the relief of anticipatory bail is denied to the petitioner in his first attempt before this Court and there is no change in the circumstances, as such, the second petition for the same relief under Section 482 of BNSS (earlier Section 438 Cr.P.C.) cannot be entertained merely by narrating the same facts to this Court with a new twist or by making fresh arguments by introducing new developments or material. Thus, the present petition being a second application under Section 482 of BNSS (earlier Section 438 Cr.P.C.) is not maintainable. Moreover, the factual background of the matter at hand does not reflect any relevant change that would merit interference by this Court.

13. Accordingly, the present petition is dismissed.

14. All the pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.04.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No