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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24783-2025(O&M)

Date of Decision : 07.05.2025

SEEMA

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Shubham Kaushik, Advocate
for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

KIRTI SINGH, J.(Oral)

This is the second petition filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.65 dated 26.02.2024 under Sections 354, 34 IPC and Sections 8/17 of Protection of Children from Sexual Offences Act, registered at Police Station Civil Lines, District Sonipat.

2. The previous petition seeking similar relief was dismissed by a Coordinate Bench of this Court on 31.05.2024 by observing thus:-

“1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.65 dated 26.02.2024, registered under Sections 354, 34 IPC and Sections 8/17 of Protection of Children from Sexual Offences Act at Police Station Civil Lines, Sonipat.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated at the instance of the first informant, who was not happy due to the marriage of the petitioner with her brother.

3. Learned State counsel has informed that after registration of the FIR, the statement of the victim has also been



recorded under Section 164 Cr.P.C. on 27.02.2024. Copy of the said statement is submitted, which is taken on record. Learned State counsel has further informed that there are serious allegations of sexual assault at the instance of the petitioner who is step-mother of the prosecutrix. Apart from this, there are also allegations that the petitioner has abetted. There are also serious allegations that the petitioner had been constantly mixing finayal and acidic substances in the food of the father of the victim and ultimately, the father of the victim had died under suspicious circumstances. Learned State counsel has further informed that post-mortem examination of the victim was also got conducted. The matter is still under investigation. The cause of death of the deceased is also yet to be ascertained. Even the FSL report is awaited.

4. In view of the above circumstances, though the FIR has been initially registered under Section 8/17 of Protection of Children from Sexual Offences Act and under Section 354/34 IPC, however, in view of the statement of the victim which has been recorded on 27.02.2024 for the first time under Section 164 Cr.P.C. and especially keeping in view the fact that the FIR was not at the instance of the victim, the matter requires thorough investigation. Investigation is at the initial stage. The allegations against the petitioner are serious in nature. No ground is made out to release the petitioner on pre-arrest bail. Consequently, the present petition stands dismissed.”

3. Learned counsel for the petitioner on a pointed query made by this Court, has failed to advance any material change in circumstances that would warrant the entertaining of the instant petition.

4. Learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner on the ground that the previous petition was dismissed on merits and the second anticipatory bail after rejection of the earlier petition in the same case is not maintainable in the eyes of law.

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5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Learned counsel for the petitioner has failed to point out any new ground for granting discretionary relief of anticipatory bail to the petitioner.

7. Accordingly, this Court is of the view that once the first anticipatory bail has been denied on merits and without there being change in the facts of the situation, the second application for the same relief under Section 482 of BNSS, 2023 cannot be entertained by making new arguments or twists by introducing new circumstances, development or material. Resultantly, the present petition stands dismissed.

8. Learned counsel for the petitioner submits that the petitioner is willing to surrender before the trial Court. In light of this submission, it is directed that if the petitioner surrenders before the trial Court within a period of ten days, the trial Court shall decide her bail application expeditiously, in accordance with law.

9. Pending miscellaneous application(s), if any, also stands disposed of.

07.05.2025

Kavita

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No