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

**CRM-M No.27137 of 2025
Date of Decision: 07.08.2025
Reserved on: 02.08.2025**

Amit Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aman Mittal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in case arising out of FIR No.28 dated 25.06.2024 registered under Sections 420, 465, 467, 468 and 471 of IPC at Police Station City Ahmedgarh, District Malerkotla. The first petition filed by the petitioner bearing CRM-M No.56367 of 2024 had been dismissed vide order dated 12.12.2024.

2. The petitioner has been booked for commission of aforementioned offences and is facing trial therefor on the allegations that he had got deposited a sum of Rs.1,50,00,000/- in his account and in account of the co-accused on the pretext of selling air tickets to the

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complainant who was running a travel agency and had to purchase such tickets for his customers. Fifty of such tickets which were so issued were got cancelled subsequently by the petitioner and it was revealed that the petitioner had taken refund of the amount of those tickets from the concerned Airline without disbursing the same to the customers/complainant thereby making the complainant to give refund of that amount to the customers from his own pocket thereby causing wrongful loss to the tune of Rs.60 lakhs and lowering down his business reputation. The previous petition as filed by the petitioner had been dismissed by making the following observations:-

“As per the allegations, the complainant Daljit Singh who himself is running a travel agency and was engaged in the business of selling air tickets, used to purchase air tickets from the petitioner and had purchased such tickets of the value of Rs.1,50,00,000/- from him during the period of two months prior to lodging of the FIR. Subsequently, it was revealed that 50 fake air tickets had been issued by the petitioner. It was also found that the petitioner had got the tickets purchased on behalf of the complainant, cancelled subsequently and misappropriated the refund amount. Sufficient evidence has been collected during the course of investigation to show that the Google Pay account through which payments were made was connected with a phone number which was used by the petitioner. The petitioner has criminal antecedents. Investigation is still going on. He is kingpin of the conspiracy hatched with the co-accused to cheat the complainant and other public persons and to commit fraud. Keeping in view the nature of the allegations as levelled against him, the quantum of sentence which the conviction may entail and the

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attendant facts and circumstances but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition stands dismissed.”

3. It is argued by learned counsel for the petitioner that he is in custody since 03.10.2024. Investigation has since been concluded. The trial would take time. Out of the four similar cases registered against him, one has been compromised, FIR of one has been quashed and cancellation report has been filed in another case. His involvement in such cases cannot be considered to be a ground for keeping him in custody any more. The ingredients for commission of offences of forgery and use of forged documents as punishable under Sections 465, 467, 468 and 471 of IPC have not been attracted against him as he is not proved to have created or used any false document. The extended period of his incarceration is a sufficient ground for releasing him on bail. The subject offences are triable by Magistrate. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that the previous petition as filed by the petitioner had been dismissed by passing a detailed order. There is no substantive change in the circumstances. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 12.12.2024. The instant one

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has been filed within a period of five and half months of the said order. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. After hearing the contentions as raised by learned counsel for the parties, this Court is of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration is not a ground to extend any such benefit. The petitioner is alleged to have caused wrongful loss to the tune of Rs.60 lakhs to the complainant by selling some air tickets to him and getting the same cancelled and retaining refund

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amount with himself. The petitioner himself has placed on record Anneuxre P-4 copy of order dated 24.01.2025 passed by Hon'ble Apex Court showing that a petition for Special Leave to Appeal as filed against the said order has been dismissed. The petitioner is a habitual offender. His previous petition was dismissed on merits. Some main accused have not been apprehended so far. Keeping in view the gravity of the allegations as levelled against the petitioner and the above discussed facts and circumstances, this Court is of the considered opinion that no ground for allowing the petition is made out. Accordingly, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

07.08.2025
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(MANISHA BATRA)
JUDGE

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