



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41806-2025
DECIDED ON: 04.08.2025

RAHUL

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.S. Nagra, Advocate
for the petitioner

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.40 dated 16.03.2025 under Sections 109, 351(2), 125, 324(4), 191(3), 190 of BNS and Sections 25, 54, 27 of Arms Act registered at Police Station Division No.1, District Pathankot (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Statement of Gurmeet Singh @ Guri S/o Manjeet Singh R/o Amruda Di Chugiyana, Ward No. 49, Pathankot aged about 21 years M. NO. 7814084288, stated that I am resident of above said address and I do labor work. Dated 15.03.2025 time will be around 9:00 P.M. I was present in my house, the Rahul S/o Unknown R/o Gurdaspur at present tenant Mohalla Gandhi Nagar Pathankot, Prince R/o Prince resident of Uchi Puli Pathankot, Nikhal son of Rupa resident of Gandhi Nagar

Pathankot, Chandu and Ansu alias Yuvraj Singh resident of Shastri Nagar Pathankot whom I know from before and along with them, 15 to 20 unknown persons came out of our house and I saw them outside my house in the light, then Rahul, Prince, Nikhal Chandu, Ansu @ Yuvraj Singh started throwing bricks inside our house without any reason and Nikhal and Chandu and other unknown persons attacked the main gate of our house with datar and swords. Due to which our gate got damaged a lot and they started cursing loudly and called my name and said that you should come out of the house. Hearing the sound of their cursing, the people of our village gathered together, then Rahul saw the people of the village gathering together and fired a pistol at us which hit our gate and all the said persons started threatening to kill me with their own weapons. Seeing the people of the village, I came out of my house, and my uncle Jaskaran Singh alias Babbu, son of Gurnam Singh, who lives in the neighborhood near us came forward, then Rahul fire his pistol at me and my uncle Jaskaran Singh alias Babbu with the intention of killing us, we went back and saved yourself and the fire did not hit us. All the said accused ran away from spot with their weapons. The irony is that I had an argument with the said Rahul few days ago, in which the said Rahul, in consultation with his colleagues, attacked my house and us. Complainant, strict action should be taken against said persons. SD/- Gurmeet Singh.”

3. **Contention**

On behalf of the petitioner

Learned Counsel for the petitioner submits that earlier the petition bearing CRM-M-24051-2025 was dismissed as withdrawn vide order dated 05.05.2025 (Annexure P-5). He further submits that the petitioner has been falsely implicated in the present case and the complainant party also attacked the house of the petitioner. It is argued on

behalf of the petitioner that co-accused Anshu @ Yuvraj Singh and Vineet Chandu have already been granted the concession of anticipatory bail vide orders dated 24.03.2025 & 25.04.2025 (Annexures P-6 & P-7 respectively).

On behalf of the State

At the outset learned State Counsel has raised a preliminary objection regarding the maintainability of the petition stating that second anticipatory bail under Section 482 of BNSS, 2023 without there being any change of circumstance is not maintainable and the said very fact has not been controverted by learned counsel for the petitioner that earlier also CRM-M-24051-2025 was filed by the petitioner and the same was dismissed as withdrawn vide order dated 05.05.2025 (Annexure P-5).

4. Analysis

Be that as it may, before going to the merits of the case, this Court, would prefer to adjudicate on the preliminary objection raised by the learned State counsel i.e., whether second anticipatory bail application under Section 482 of BNSS, 2023, is maintainable?

From the perusal of record, it is an admitted fact by the learned counsel for the petitioner that earlier also a petition bearing No. CRM-M-24051-2025 was filed seeking anticipatory bail, but the same was dismissed as withdrawn vide order dated 05.05.2025 (Annexure P-5) since the Court was not inclined to accept the said prayer.

This Court is conscious of the fact that while exercising powers under Section 482 of BNSS, 2023 it is duty bound to strike a balance between the individuals right to personal freedom and the investigational right of the police, therefore, the provisions of anticipatory bail cannot be allowed to put to abuse at the instance of unscrupulous petitioners.

Accordingly, the second or subsequent bail application under Section 482 of BNSS, 2023, 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. An accused, who has been denied the bail earlier can move a subsequent application only on in that limited area. If the issue, which had been canvassed earlier, would not be permitted to be re-agitated on the same grounds, as it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

In the instant case, 2nd petition for anticipatory bail has been moved without any change of circumstances being demonstrated by the petitioner before this Court, after the dismissal of earlier petition vide order dated 05.05.2025 passed in CRM-M-24051-2025 (Annexure P-5) by this Bench itself.

This Court is, therefore, of the considered view after having examined the submissions made by the counsel for the petitioner and the ambit of Section 482 of BNSS, 2023, this petition fails.

Hence, holding that second anticipatory bail in no change of circumstances, is not maintainable, the petition is ordered to be dismissed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

04.08.2025
Meenu

<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>