

2025:PHHC:105989



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

**CRM-M-44350-2025
DECIDED ON: 18.08.2025**

ARASAL SINGH**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. J.S. Dhaliwal, Advocate and
Mr. Goldy Jakhar, Advocate
for the petitioner

Mr. Jasjit Singh Rattu, DAG Punjab

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 of BNSS, 2023 (Earlier Section 438 of Cr.P.C.) for the grant of anticipatory bail to the petitioner in case bearing FIR No. 39 dated 26.02.2025 registered under Sections 15, 29, 61, 85 of NDPS Act 1985, Police Station City Moga, District Moga (Annexure P-1).

2. Facts as narrated in the FIR read as under:-

“SHO, Police Station City Moga, at this, I, ASI along with ASI Satnam Singh 510/Moga, Havaladar Dawinder singh 925/Moga, SC Sandeep Singh 1103, C Parminder Singh 112/Moga, LC Kiranpreet Kaur 785/Moga, riding government vehicle Bolero bearing registration No. PB 29 H 8312, driven by C Parminder Singh

112/Moga, having printer and laptop in the vehicle already were patrolling in connection with search and checking of suspicious persons, were present at Kotkapura By-Pass, Moga. Then informer came and called me ASI one side and informed hurriedly that Paramjit Singh son of Rachpal Singh resident of Ferozepur, presently resident of Abadi Bukanwala Road Moga is engaged in the business of selling Doda Post. Which Paramjeet Singh above is going through Mahimewala Road to his home at Bukanwala Road, Moga bringing Doda Post in his Swift Desire Car, color white, bearing registration No. DL 8 C NB 9802. If, immediately Nakabandi is laid at Mahimewala Road the place mentioned above, then Paramjit Singh son of Rachhpal Singh, resident of Ferozepur, presently resident of Bukanwala Road, Moga along with his car can be apprehended and a large quantity of Doda Post can be recovered. The information being confirm and trustworthy, Paramjit Singh son of Rachhpal Singh, resident of Ferozepur, presently resident of Bukanwala Road, Moga fulfills the definition of offense under Section 15, 61, 85 of the NDPS Act. On which complaint has been written against Paramjeet Singh son of Rachhpal Singh, resident of Ferozepur, presently resident of of Bukanwala Road, Moga and the same is being sent to the Police Station by hand through LC Kiranpreet Kaur 785/Moga for registering FIR. After registering FIR, number should be issued to the case. Special reports be issued. Information should be given to higher official and PCR Moga. I, ASI along with staff employees starts to the place of occurrence Mahimewala Road Moga for conducting raid. Sd/- Mohkam Singh ASI Incharge, Chowki Focal Point, Police Station, City Moga. Dated 26.02.2025. Today in the area of Kotkapura Bypass Moga AT:- 05:20 PM. Today, on receipt of the above complaint at Police Station, FIR against the above accused, under section mentioned above has been registered. Original complaint along with copy of FIR is being sent by hand to the Investigating Officer at the place of occurrence. After issuing special reports, the same are being sent by hand through Sepoy Rajan 215/Moga to the services of Ilaqa Magistrate and higher officials.

Information is being given at PCR Moga. DDR No.27 Dated 26.02.2025.”

3 **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner had earlier filed a petition bearing CRM-M-20385-2025 seeking anticipatory bail in connection with the same FIR; however, the said petition was not decided on merits. Therefore, the present second petition for anticipatory bail is maintainable.

Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused Paramjeet Kaur, whereas no recovery has been effected from the petitioner.

On behalf of the State

Learned State counsel apprises the Court that Section 27(b) of the NDPS Act was invoked on 06.03.2025; however, this fact has neither been disclosed in the present petition nor was it reflected in the earlier petition arising from the same cause of action, bearing CRM-M-20385-2025, which was withdrawn by Mr. Sandeep Verma, learned counsel for the petitioner, after arguing for sometime, vide order dated 22.04.2025 (Annexure P-2).

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?

It is a case where 100 kilograms of poppy husk is involved having been recovered from the co-accused of the present petitioner. A perusal of the

order dated 22.04.2025 (Annexure P-2) makes it evident that the earlier petition contained misleading averments. During the course of hearing of that petition, the petitioner submitted that he was not involved in any other criminal case; however, the learned State counsel pointed out that the petitioner was, in fact, involved in two other cases.

In the present proceedings, the petitioner has again advanced arguments seeking anticipatory bail on the ground that the earlier petition was not adjudicated on merits and has further submitted that the observations made in the order dated 22.04.2025 are incorrect.

Learned State counsel, Mr. Rattu, has submitted that Section 27(b) of the NDPS Act was added subsequently on 06.03.2025, vide GD No. 34. A copy of the said GD entry is taken on record and marked as document ‘A’.

Additionally, he draws the Court’s attention to paragraph 13 of the present petition, wherein the petitioner himself has admitted to being involved in four other cases. The relevant portion reads as under: –

1.	FIR No.108 dated 12.07.2021, registered under Sections 323, 324, 341, 148, 149, 427 of IPC (Section 326 of IPC added later on) at Police Station Kot Ise Khan, District Moga.
2.	FIR No.142 dated 23.07.2021, registered under Sections 307, 323, 148, 149 of IPC at Police Station Dharamkot, District Moga.
3.	FIR No.220 dated 01.11.2021, registered under Sections 15, 61 and 85 of NDPS Act at Police Station Dharamkot, District Moga.
4.	FIR No.186 dated 06.11.2021, registered under Sections 307, 323, 341 148, 149 of IPC Sections 25 & 27 of Arms Act added later on at Police Station Kot Ise Khan, District Moga.

Accordingly, the second or subsequent bail application under Section 482 of BNSS, 2023, can be filed only 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 in that limited area. 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 result into forum hunting.

In the instant case, the 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 22.04.2025 passed in CRM-M-20385-2025 (Annexure P-2) by the co-ordinate Bench and thus, there is no reason for this Court to accept the second anticipatory bail petition, which has already declined on the same ground by a co-ordinate Bench.

In view of the above, this Court is of the considered opinion that the present petition is totally mis-conceived, frivolous and baseless and lack a bona fide on the part of the petitioner can be made out, and therefore, is hereby dismissed with cost of Rs.25,000/- not only on account of above observation, but also on account of concealment of material facts, which was well within the knowledge of the petitioner.

The registry is directed to ensure that the necessary cost as directed by this Court is deposited within a period of one week from today with the Punjab & Haryana High Court Bar Lawyer's Family Welfare Fund, Account No.41564846387, IFSC Code: SBIN0050306 Bank Name-SBI High Court Branch.

The Registrar (Judicial) shall seek compliance of order qua the deposit of cost and this Court be duly intimated.

(SANDEEP MOUDGIL)
JUDGE

18.08.2025
Meenu

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