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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46064-2025

Date of decision: 12.09.2025

Jashanpreet

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Narender Singh Kamboj, Advocate for the petitioner.
Mr. Tarun Aggarwal, Additional Advocate General, Haryana.
Mr. Shubham Mirok, Advocate for the complainant.

SUMEET GOEL, J.

1. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.341 (wrongly mentioned as 107 in the impugned order Annexure P-7) dated 05.07.2025, registered for the offences punishable under Sections 115(2), 118(1), 118(2), 190, 191(2), 191(3), 304, 324(4), 117(1) of the BNS, 2023 at Police Station City Sirsa, District Sirsa.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 29.07.2025. The relevant part of said order reads as under:-

"After arguing for some time, learned counsel for the petitioner seeks to withdraw the present petition in hand.

Ordered accordingly."

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on



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2. The gravamen of the FIR in question reflects that on 03.07.2025 at about 07:25 p.m., the complainant namely Harpreet Singh son of Fauja Singh, aged 27 years, resident of village Nezaela Kalan, District Sirsa, alleged that his friend namely Naresh Kumar (electrician, resident of Nezaela Kalan) came to his house and informed him that he had to collect Rs.70,000/- from Jashanpreet Singh (petitioner herein), who had called him to Sirsa. On his request, the complainant accompanied him on his motorcycle. When they reached Anaj Mandi, Sirsa, the friend of the complainant namely Naresh Kumar called Jashanpreet (petitioner herein), who refused to pay and switched off his phone. Later, after repeated calls, the said Jashanpreet (petitioner herein) asked us to meet at Home Town Café, Sirsa. Around 09:15 PM, the said Jashanpreet (petitioner herein) asked the complainant and his friend to meet at Home Town Cafe, Sirsa. Around 09:15 PM, the said Jashanpreet arrived with unknown persons abused and assaulted them. Soon, five persons including Akash @ Anil and Ravi (sons of Bhajan Lal, residents of Chhoti Chamal), Sushil @ Sheelu (son of Mahender, resident of Nezaela Kalan) and two unknown boys armed with *datars* came at the scene of occurrence and attacked them. During the attack, accused Akash and Ravi hit the complainant with *datar* on his hands; accused Jashanpreet (petitioner herein) hit the complainant with a brick; accused Sushil hit the shoulder of the complainant with a pipe like object and another unknown accused assaulted the complainant on his back. All the accused also assaulted the friend of the complainant and damaged his motorcycle. In the ensuing scuffle, accused Jashanpreet (petitioner herein) snatched the phone of the complainant. The complainant

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called his cousin namely Chandermohan, who admitted them to Civil Hospital, Sirsa. Later on the complainant was shifted to City Health Care Hospital and subsequently to Astha Hospital, Sirsa for further treatment. On these set of allegations, the FIR in question was registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the impugned FIR at the instance of the complainant, who hails from the same village and harboured personal enmity against the petitioner. Learned counsel has further iterated that the complainant with a view to settling scores has orchestrated the registration of the present false case against the petitioner and other co-accused. It is further submitted that, in fact, the petitioner himself sustained multiple injuries during the alleged occurrence and was admitted to the Civil Hospital, Sirsa on 04.07.2025 where he was medico-legally examined and as many as seven injuries were found on his person. Learned counsel has further submitted that rather, the local police, acting in collusion with the complainant, have implicated the petitioner in the false case. It is further pointed out by the learned counsel that the petitioner has submitted a detailed representation dated 01.08.2025 before the Inspector General of Police, Hisar Range as well as the Superintendent of Police, Sirsa to conduct fair and proper investigation from an officer of the rank of IPS Officer or at least to an officer outside District Sirsa but no action has been initiated by the police official. Learned counsel has further submitted that the injury attributed to the petitioner is simple in nature. It has been further argued that there is no need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Learned counsel asserts

that the petitioner has no intention of evading the process of law and



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undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the first petition was dismissed as withdrawn on 29.07.2025 before this Court and neither any prayer was made nor was any liberty granted to the petitioner to file afresh with better particulars. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, submits that the allegation of false implication is wholly misconceived and devoid of merit. He submits that the petitioner actively participated in the incident as is evident from the specific and categorical allegations levelled against him by the complainant. Learned State counsel has further iterated that the petitioner is the main accused who not only inflicted injury on the complainant but also instigated and called his associates to the spot which lead to brutal assault with deadly weapons. Moreover, the investigation in the present matter has been conducted strictly in accordance with the law and there is no material to suggest any bias or *mala fide* on the part of the investigating agency. Given



necessity for custodial interrogation, the dismissal of the instant petition is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.



VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 29.07.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on 20.08.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR



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clearly attributes an active role to the petitioner, who is alleged to have assaulted the complainant with a brick, snatched his phone and was present at the spot alongwith other co-accused who were armed with deadly weapons. The incident is not an isolated act but appears to be pre-planned assault arising out of monetary transactions in which the complainant as well as his friend namely Naresh Kumar sustained multiple injuries. The allegations of snatching and the presence of deadly weapons make the offence grave and serious in nature. The contention of the petitioner that the injury caused to him is simple cannot be accepted at this stage as the overall conduct of the petitioner coupled with the allegations of snatching and his participation with co-accused, who were armed with weapons, demonstrates his active involvement in the commission of the offence.

9. Moreover, as per the prosecution version, all the accused persons were already present inside the Home Town Café when the complainant and his friend Naresh Kumar reached there. Without any provocation, the accused jointly launched a sudden and brutal attack upon them. The assailants were armed with sharp edged weapons such as *datars* and also used blunt objects like bricks and pipes. During this assault, the complainant sustained as many as five injuries and as per the medical opinion injuries Nos.1 and 2 were declared grievous in nature as the same were caused with sharp edged weapons while the remaining injuries were caused with blunt objects. Similarly, the friend of the complainant namely Naresh Kumar received four injuries in the occurrence, out of which injury No.2, inflicted by a blunt weapon, was declared grievous.

10. The nature of weapons used, the number of injuries inflicted

and the manner in which the attack was carried out clearly reflect the



seriousness of the assault. The motive behind the incident has also been specifically explained by the complainant i.e. a monetary dispute. The allegations, therefore, cannot be said to be a simple quarrel but point towards a premeditated and organized attack which was carried out in furtherance of a common intention with the object of causing grievous harm to the complainant and his companion. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

11. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well



protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

12. In view of the gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

13. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 12, 2025
Ajay

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