



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-46006-2025 (O&M)

Date of decision: 12.11.2025

Kuldeep Randhawa

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Babbar Bhan, Advocate for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG Punjab.

Mr. Gagandeep Singh Virk, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. This is the second petition for grant of anticipatory bail to the petitioner in case bearing FIR No. 72 dated 20.06.2024 registered under Sections 420, 465, 468, 471, 120-B of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Zira, Ferozepur.

2. The earlier bail petition bearing CRM-M-14733-2025 titled “Kuldeep Singh Randhawa vs. State of Punjab”, was dismissed as withdrawn on 19.03.2025, which reads thus:

“The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0072, dated 20.06.2024, under Sections 420, 465, 468, 471, 120-B of IPC and Section 13 of Punjab



Travel Professionals (Regulation) Act, 2014, registered at Police Station Zira, District Ferozepur.

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition.

Prayer is accepted.

Dismissed as withdrawn.”

3. The instant petition for grant of anticipatory bail has now been filed after a gap of nearly 05 months of the withdrawal of the first petition.

4. On 25.08.2025, when the present case was taken up, the following contentions of the respective parties were noticed by a Coordinate Bench of this Court:-

“Mr. Gagandeep Singh Virk, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

State counsel as well as counsel for the complainant oppose the bail petition on the ground of maintainability.

Counsel for the petitioner submits that this is a second bail petition and although the order of dismissal of first bail petition has not been annexed but he submits that it was withdrawn after arguing for some time. He seeks time to place on record the said order and also wants to argue on the point maintainability of the second bail petition in such circumstances.

List on 03.09.2025.”



5. The above issue was reiterated in the order dated 11.09.2025. As learned counsel for both sides submitted that the question of maintainability ought to be determined at the outset, arguments have thus been heard on the above preliminary objection.

6. Learned counsel for the petitioner submits that the present, second petition seeking anticipatory bail is maintainable when there is a material or substantive change in circumstances, which have a direct bearing on the outcome of the proceedings. Reliance is placed on the judgment dated 30.01.2023 rendered by a Division Bench of this Court in *Manjinder Kaur v. State of Punjab* (CRM-M-40916-2022), which recognises the maintainability of a subsequent petition where circumstances have materially altered. The said judgment, he submits, has been followed by a learned Single Judge in *Gurpreet Singh v. State of Punjab* (CRM-M-1880-2025, decided on 16.01.2025).

7. It is contended on merit that although the initial allegation against the petitioner was that he had received a sum of approximately ₹15 lakh, however, he has already returned an amount of ₹22 lakh, including payments made after the withdrawal of the first petition and that too in the police station itself. It is further contended that the petitioner has not evaded his arrest at any stage; rather, the investigating agency never considered it necessary to arrest him even after withdrawal of the first petition for anticipatory bail. Counsel submits that between March 2025 and August 2025, the principal co-accused has since been arrested, another co-accused has been granted anticipatory bail by this Court. Thus, these developments



constitute a clear and material change in circumstances from that which existed on 19.03.2025 when the earlier petition was withdrawn. Hence, the second petition for grant of anticipatory bail would be maintainable.

8. Learned State counsel as well as counsel for the complainant however contend that in so far as argument made by the petitioner with vehemence about the petitioner having returned the amount much more than as was alleged to have been received is concerned, the said aspect is an argument on merit and was available with the even at the time when his earlier bail petition was withdrawn after arguing at length, on 19.03.2025. Hence, the same cannot be construed as a material alteration or change of the circumstances. They contend that the only circumstance that can be said to have arisen subsequently is the arrest of the main accused and the grant of anticipatory bail to the co-accused.

9. Counsel for the complainant submits that the aforesaid issue has already been considered by a Coordinate Bench of this Court in the matter of '*Rajender Vs. State of Haryana*' reported as **2023 NCPHHC 161826** and it was specifically held that a subsequent petition for anticipatory bail is not maintainable merely because of further developments such as arrest of the co-accused, arrest of the main accused, or the grant of bail to any co-accused. Such circumstances, it was held, do not amount to a "material alteration" warranting reconsideration. He contends that since these arguments have already been examined and rejected and held insufficient to meet the threshold of changed circumstances, the present second petition for anticipatory bail would not be maintainable. The operative part of the



judgment in the matter of Rajender (supra) is extracted as under:-

“17. An analysis of the above judicial precedents leads to the following outcome. Section 362 of the Code operates as bar to any alteration or review of the cases disposed of by the Court. (1) It is an accepted principle of law that when a matter has been finally disposed of by a Court, the Court is, in the absence of a direct statutory provision, *functus officio* and cannot entertain a fresh prayer relief in the matter unless and until the previous order of final disposal has been set aside or modified to that extent. (2) Second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. (3) The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge, (4) **Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co accused or main accused or bail granted to co accused, different considerations, some more details, new documents or**



illness of the accused (5) *It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court. (6) Second or subsequent bail application under Section 438 Cr.P.C. 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; this is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. The petition was for anticipatory bail and the one which had been filed earlier might have been withdrawn in a given situation, without inviting the Court to consider the same on merits; On change of circumstances, when another application under Section 438 Cr.P.C. was filed, the High Court should have considered the same on merits.*

((1) Abdul Basit Raju v. Md. Abdul Kadir Chaudhary, SLP (Cri.) No. 68556857 of 2013. decided on 15.9.2014, Supreme Court, Para 25.]

(12) Abdul Basit Raju v. Md. Abdul Kadir Chaudhary, SLP (Crl.) No. 68556857 of 2013, decided on 15.9.2014 Supreme Court, Para 25.)



(3) *Manjinder Kaur v. State of Punjab*, 2023(3) *Law Herald* 2080, Division Bench of Punjab & Haryana High Court, para 12.]

(4) *G.R. Ananda Babu v. State of Tamil Nadu*, 2021(1) *RCR (Criminal)* 843, three-member bench of Supreme Court, Para 7.)

(15) *Manjinder Kaur v. State of Punjab*, 2023(3) *Law Herald* 2080, Division Bench of Punjab & Haryana High Court, para 12.]

[(6) *Manjinder Kaur v. State of Punjab*, 2023(3) *Law Herald* 2080, Division Bench of Punjab & Haryana High Court, para 12.]

[(7) *Ganesh Raj v. State of Rajasthan and others*, 2005 CrU 2086, three-member bench of Rajasthan High Court, Para 25.]”

(Emphasis supplied)

10. So much so, even the Division Bench judgment of this Court in *Manjinder Kaur* (supra), relied upon by the petitioner himself, carves out the very same principle and the same had been relied by the learned Single Bench. It has been clearly and unequivocally held therein that developments such as the arrest of a co-accused or the main accused, or the grant of bail to any co-accused, do not constitute a “changed circumstance” so as to render a second petition for anticipatory bail maintainable. The relevant extract of the judgment of Division Bench in the matter of *Manjinder Kaur* (supra) reads



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thus:-

“12. We have already held that second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 CrPC stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co-accused or main accused or bail granted to co-accused, different considerations, some more details, new documents or illness of the accused. It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court.”

(Emphasis supplied)

11. Even though, ordinarily an argument would have been available to the petitioner to contend that the earlier petition was a mere simplicitor withdrawal and therefore would not operate as a bar, in view of the judgment of the Hon’ble Supreme Court in **Rani Dudeja v. State of Haryana**, (2017) 13 SCC 555, and the merits ought to be considered,



however, a perusal of the order dated 19.03.2025 passed in the earlier bail petition clearly shows that it was not a case of simplicitor withdrawal at the very outset and without consideration on merits, rather, the matter was heard at considerable length, and only when the Court appeared disinclined to grant the relief sought, the petitioner chose to withdraw the petition. The withdrawal was thus not under a situation where merit has not been considered at all or was not even technical in nature. It was also not accompanied by any request or liberty to file a fresh petition. Having taken a considered chance of seeking a judicial adjudication on merits, and thereafter withdrawing the petition to avoid an adverse order, the petitioner cannot now claim the benefit of treating such withdrawal as a simplicitor withdrawal so as to reopen the matter on merits through a successive second anticipatory bail petition.

12. The contention that since the police never sought his arrest even after dismissal of his first anticipatory bail is concerned, the same cannot be given any undue weightage or importance as any undue weightage to the same is likely to promote evasion of arrest by resorting to any means. A premium would not be attached to a violation and non-adherence to the legal process. It would lead to a horde of multiple petitions being filed despite the issue having been decided earlier. Thus giving rise to devising corrupt means to avoid arrest or attempts at forum shopping.

13. Consequently, in view of the judgment of the Division Bench in the matter of **Manjinder Kaur** (*supra*) followed by a Single Bench in the matter of **Gurpreet Singh** (*supra*), I am of the opinion that mere arrest of the



main accused and/or grant of anticipatory bail to the other co-accused cannot be perceived as a material change of circumstances to entertain a second petition for anticipatory bail.

14. The present petition is accordingly **dismissed**.

(VINOD S. BHARDWAJ)
JUDGE

12.11.2025

Mangal Singh

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