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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 06.11.2025

Beeru @ Veeru

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amrit Pal, Advocate for
Mr. Munish Puri, Advocate for the petitioner.
Mr. Amit Goyal, Additional Advocate General, Punjab.

SUMEET GOEL, J. (Oral)

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.41 dated 23.04.2025, registered for the offences punishable under Sections 103(1), 115(2), 191(3), 190 of BNS, 2023 at Police Station Sadar, District Pathankot.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 09.10.2025. The relevant part of said order reads as under:-

- "1. Apprehending his arrest in FIR No.0041 dated 23.04.2025 registered for offences punishable under Sections 103(1), 115(2), 191(3) & 190 of BNS 2023 at Police Station Sadar Pathankot, District Pathankot; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.*
- 2. Learned counsel appearing for the petitioner, after arguing for sometime, seeks to withdraw the petition in hand.*
- 3. Ordered accordingly."*



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Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on and around 30.10.2025.

2. The FIR in question was lodged on the statement of Jashin (complainant), son of deceased Fakkardeen, resident of village Pangoli, Police Station Shahpur Kandi, District Pathankot, who alleged that on 22.04.2025, he along with his father namely Fakkardeen, mother namely Aslia, and two sisters namely Sheena and Dilpari had gone to attend the wedding of Mano, daughter of his uncle Qasim, resident of village Kothe Kotarpur (Pawar). At about 11:45 PM, while returning home after the wedding and when the complainant and his family members reached near the house of his uncle, the accused persons allegedly came to the spot. It was alleged that the accused Hassandeen, son of Ghulam Hussain was armed with a stick, accused Veeru, son of Ghulam Hussain was armed with a stick, accused Qasim, Sain Ali, and Alamgir, sons of Ghulam Hussain were empty-handed, accused Veer, son of Ibrahim was also empty-handed and accused Ali and Marid, sons of Yusuf, residents of Jharoli, Police Station Dinanagar, District Gurdaspur. The aforesaid accused persons allegedly raised lalkaras to 'catch and kill' the father of the complainant namely Fakkardeen. Following this, the accused Hassandeen struck the father of the complainant namely Fakkardeen on his left shoulder with a stick, accused - Veeru hit the father of the complainant on the nose and accused - Veer grabbed the father of the complainant by the neck and threw him to the ground. Thereafter, accused Qasim hit the father of the complainant on his chest with a stone, while accused - Sain Ali and Alamgir held the arms of the

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father of the complainant and accused Ali and Marid punched the father of the complainant on the chest repeatedly. When the complainant, his brother namely Saif Ali and cousin namely Ranjha tried to intervene, they were also attacked by accused Hassandeen, Veeru, and Qasim. Upon hearing the cries for help, the relatives including Ghulam Nabi and Kaku reached the spot, following which the accused fled from the scene of occurrence. On account of the injuries sustained during the assault, the complainant found his father lying motionless and later declared dead. The complainant alleged that the motive behind the occurrence was a long-standing land dispute in Chamba (Himachal Pradesh) between Hassandeen and the family of the complainant. 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 FIR in question. Learned counsel has further iterated that from a bare perusal of the FIR, except accused Hassandeen and Veeru, all other accused were empty-handed and no specific injury much less any fatal blow has been attributed to the petitioner. Learned counsel has further submitted that even assuming arguendo the version of the FIR is taken to be true, the role of the petitioner is passive and he cannot be said to have shared any common object with the armed assailants. It has been further argued that the land dispute mentioned in the FIR was specifically between Hassandeen and the family of the complainant and the petitioner has no personal enmity or motive to cause harm. Learned counsel has emphasized that the postmortem report was not available at the time when the first petition for grant of anticipatory bail was dismissed as withdrawn. Learned counsel has pointed out that since now the postmortem

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report (copies whereof have been annexed as Annexures P-4 and P-5) are available which reflects that the cause of death was due to a head injury which was sufficient to cause death in the ordinary course of nature. According to learned counsel, no head injury has been attributed to the petitioner and the involvement of the petitioner is, thus, doubtful in the alleged incident. 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. Furthermore, the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. As the petitioner is ready to join the investigation hence no useful purpose would be served by sending him behind the bars. On the basis of these 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 09.10.2025 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, while opposing the plea in hand on merits, submits that the FIR clearly depicts that the petitioner was a member of an unlawful assembly who attacked the father of the complainant which led to his death. According to learned State



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counsel, the presence of the petitioner and participation in the unlawful assembly coupled with the fact that the assault was pre-planned and coordinated, establishes a common object to commit murder. Learned State counsel has emphasized that the attack was not spontaneous but arose from a long-standing property dispute in which the petitioner, being closely related to the principal accused, actively joined the assaulting group. Given the severity of the allegations and the 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 09.10.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on and around 30.10.2025. 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



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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. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, on the alleged day of occurrence, the petitioner, alongwith co-accused, allegedly formed an unlawful assembly and armed with sticks launched a violent and premeditated assault on the deceased. The FIR *ibid* narrates a premeditated group assault on the deceased which resulted in his death on the spot. Furthermore, it has been specifically recorded in the FIR that all the accused, including the petitioner, came together raised *lalkaras* to kill, and collectively participated in the attack. The plea of the petitioner that he was empty-handed does not absolve him of liability under Sections 190 and 191(3) of BNS IPC. It is a settled proposition of law that overt acts are not necessary to establish liability if the accused was part of an unlawful assembly sharing a common object to commit an offence. The incident in question, therefore, does not merely reflect a physical altercation resulting in death, but a targeted and premeditated act of aggression arising out of a land dispute.

9. No cause *nay* 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. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner along with co-accused and as part of an unlawful assembly, acted in furtherance of their



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common object inflicted multiple injuries upon the father of the complainant which resulted in his death on the spot. The collective conduct of the accused, as narrated in the FIR, demonstrates a concerted action to attack and kill the deceased. At the nascent stage of investigation, it would be premature to conclude that the petitioner has no role or shared object. The custodial interrogation of the petitioner may be necessary to determine his exact role and involvement in the conspiracy. The gravity of the offence and the nature of allegations weigh heavily against the grant of anticipatory bail.

10. 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 interest(s). 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 be established 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.”

11. In view of the gravity of the allegations involving the heinous offence of murder committed in the course of an unlawful assembly 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.
12. 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.

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(SUMEET GOEL)
JUDGE

November 06, 2025
Ajay

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