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

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Date of decision: 12.11.2025

Krishan Kumar

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. B.S. Bajwa, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

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.236 dated 27.07.2024, registered for the offences punishable under Sections 18, 25, 27-A and 29 of the NDPS Act at Police Station Munak, District Karnal.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed vide detailed order on 15.07.2025. The relevant part of said order reads as under:-

"17. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would also not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

18. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.



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19. Petition dismissed. Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.”

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 03.11.2025.

2. The gravamen of the FIR in question reflects that on 26.07.2024, ASI Surender Singh, while on patrolling with his team near village Bala received secret information that Sanjeev Kumar @ Sanju and Ramphal @ Bhulli of Jalmana were transporting opium in a black Venue car from UP/Bihar towards Jalmana via the Panipat Refinery-Munak road. Acting on the tip, a stake was laid near the 6000 bridge Munak. The suspected car was intercepted and the two accused were apprehended. Upon their request, a Gazetted officer was called to the spot and the vehicle was searched in his presence. From the diggi of the car, 06 kg 15 g of opium was recovered, sealed and taken into police possession. On these set of allegations, the instant FIR was registered. During the course of investigation, the name of the petitioner was disclosed by co-accused.

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 the name of the petitioner does not figure either in the FIR or in the secret information received by the police. The entire case against the petitioner is based merely on the disclosure statement of the co-accused which is inadmissible in the eyes of law and cannot form the sole basis for his implication. According to learned counsel, a bare reading of the FIR shows that the petitioner has no connection whatsoever



introduced only to harass and falsely implicate him without any cogent or material evidence. Learned counsel has emphasized that the earlier pre-arrest bail petition was dismissed by this Court vide order dated 15.07.2025 without full consideration of the fact that the only material against the petitioner was limited to Call Detail Records (CDR) showing conversation with the co-accused. Furthermore, the investigating agency has not produced any transcript or content of such calls to indicate that the petitioner was ever involved in any illicit activity or in the supply of narcotics. 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 undertakes to cooperate fully with the investigation. Learned counsel has contended 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 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 vide detailed order on 15.07.2025 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



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alone. Learned State counsel, while opposing the plea in hand on merits, submits that the present case involves recovery of 6 kgs and 15 grams of opium which falls under the category of commercial quantity under the NDPS Act. Learned State counsel has further iterated that during the course of investigation, the name of the petitioner surfaced on the basis of disclosure statements of co-accused as well as call details records (CDRs) which clearly show that the petitioner was in constant touch with the main accused Sanjeev Kumar @ Sanju before and after the recovery. These repeated telephonic calls indicate a close nexus and possible involvement of the petitioner in the illegal trade of narcotics. Furthermore, granting bail to the petitioner at this stage may seriously hamper the ongoing investigation and embolden the petitioner to tamper with evidence or influence key witnesses many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is most respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

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. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed by a Coordinate Bench of this Court on 15.07.2025 after considering the status report and material on record including the call exchanges with the co-accused. Thereafter, in the



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instant petition i.e. second petition (for grant of anticipatory bail), the petitioner has reiterated the grounds previously taken (at the time of rejection of the first petition on 15.07.2025).

8. There is no substantial change *nay* any change in circumstances which may weigh, in favour of entertaining the instant second petition for anticipatory bail. *Ergo*, the instant petition deserves dismissal on this score alone. Moreover, the prolonged evasion of the petitioner from the process of law weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. Furthermore, the first petition was dismissed on 15.07.2025 and the instant petition has been preferred after a gap of more than 3½ months. It is evident that the petitioner has deliberately evaded the process of law for over 3½ months. The conduct of the petitioner in avoiding arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this second petition. The process of justice is meant to treat every individual in a manner which is equitable and fairly. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamounts to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the Court. The hiatus of more than 3½ months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore,



the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him for grant of anticipatory bail.

9. Furthermore, no fresh substantial change in circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. All the grounds urged by the petitioner in the present petition have already been considered & decided and view thereupon has been taken vide judgment dated 15.07.2025. 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.

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

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

November 12, 2025
Ajay

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