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

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Vishal

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 28.11.2025**Date of Uploading : 28.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. K.B. Raheja, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG 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.256 dated 05.11.2024, registered for the offences punishable under Sections 103, 61(2), 191(3), 190 of BNS, 2023 and Sections 25, 27 of the Arms Act, 1959 at Police Station Sadar Ferozepur, District Ferozepur.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 03.09.2025. The relevant part of said order reads as under:-

“ Present petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.256 dated 05.11.2024 registered under Sections 103, 61(2), 191(3), 190 of the BNS,



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2023 and Sections 25, 27 of the Arms Act, 1959 at Police Station Sadar Ferozepur, District Ferozepur.

2. *Learned counsel appearing for the petitioner, at the outset, seeks to withdraw the petition in hand.*
3. *Ordered accordingly.*
4. *Pending application(s), if any, shall also stand 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 and around 26.11.2025.

2. The FIR in question was lodged on the statement of complainant Raj Kumar, son of Akbar, aged about 62 years, resident of Khilchian Kadeem, P.S. Sadar Ferozepur, working as a labourer. He alleged that on 23.10.2024, they had a quarrel with Arjun @ Ajju, Desa son of Buta, Resham @ Chitti son of Buta and others from our village. As per the complainant, the fight had started on account of the fact that his children argued and the matter escalated which resulted in causing injuries to the complainant side. Although the matter was settled with the intervention of the villagers but the accused continued to hold grudge in their mind. On 05.11.2024 at around 11:20 a.m., the complainant was sitting in the courtyard with his sons Ravi and Manpreet. A Swift Dzire car (PB-05-AH-4529) came into the opposite street with accused Raman Chaudhary, Aman Chaudhary, Vishal (petitioner herein), Goldy and Arsh. They parked the car and went into the house of Arjun @ Ajju. After some time, when the accused came out, the complainant and his sons were standing on the street corner. Accused Aman Chaudhary took a pistol from the car and without any reason

fired at the son of the complainant namely Ravi. The bullet hit him below



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the stomach and he fell down. Meanwhile, two unknown persons arrived on motorcycles and proclaimed not to spare his son and threatened that they would not be left alive. As the people gathered, all the accused fled on motorcycles with their weapons. Injured Ravi was taken to Bangar Hospital, Ferozepur City where the doctor declared him dead. The bullet injury that killed the son of the complainant was caused at the instigation of Arjun @ Ajju, Desa, Resham @ Chitti, and others due to their ongoing grudge. 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 pointed out that the complainant and an eye-witness have filed affidavits retracting their earlier version. Learned counsel has further submitted that the petitioner was neither present at the spot nor assigned any specific role in the firing. 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. According to learned counsel, the present case is one of over-implication and that co-accused Gurpreet Singh @ Goldy has already been granted the concession of bail. To buttress his arguments, learned counsel has placed reliance on judgment of this Court titled as *Jagroop Singh v. State of Punjab, 2021(2) Law Herald 1187*, to contend that in the absence of specific attribution, the petitioner is entitled to bail. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be



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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 03.09.2025 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 allegations pertain to a daylight murder by firearm and the petitioner was part of a group that arrived together in a vehicle, went inside the house of main accused Arjan @ Ajju shortly before the incident and thereafter fled collectively after firing which demonstrates prior meeting of minds and active participation. According to learned State counsel, the subsequent affidavit of the complainant is doubtful, as in serious offences affecting society at large, private compromise or retraction cannot dilute the gravity of the crime. The FIR clearly depicts that the petitioner was a member of an



unlawful assembly who attacked the son of the complainant which led to his death. According to learned State 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. 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 03.09.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on and around 26.11.2025. 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



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. 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 deadly weapons 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. The FIR discloses that the accused party, including the present petitioner, arrived collectively in a car, went inside the house of the main accused shortly before the occurrence and thereafter the firing took place resulting in the death of deceased Ravi Kumar. Although the petitioner is not stated to have fired the shot, the sequence of events *prima facie* indicates concerted action and a shared intention, which cannot be ruled out at this stage. Furthermore, the reliance on the affidavit of the complainant retracting the allegations cannot be considered to be a determinative factor at the pre-trial stage particularly in a case involving murder. It is settled law that a private compromise or retraction cannot by itself furnish a basis for anticipatory bail in offences of this nature as such acts may be the result of pressure or influence.



9. 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. 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 common object inflicted multiple injuries upon the deceased 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 this stage of 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. The reliance placed on ***Jagroop Singh*** case (supra) is misplaced as in the said case, the petitioner was neither attributed an overt act nor shown to be part of any pre-planning and had surrendered his licensed weapon. The factual matrix of the present case is clearly distinguishable, involving group arrival, prior grudge and immediate proximity to the firing. The plea of the parity with the co-accused is also misplaced as the grant of bail depends upon the role attributed to each accused. The petitioner has been specifically named in the FIR. The fact that the co-accused has been granted the concession of regular bail cannot, by itself, entitle the petitioner to the same. The allegations in the FIR coupled with the investigation conducted so far, *prima facie* indicate the commission of a grave offence. It is well settled that



the principle of parity is not absolute and cannot be applied mechanically in all circumstances. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed.

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 disintering 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.

(SUMEET GOEL)
JUDGE

November 28, 2025
Ajay

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