



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

CRM-M-68314-2025

Date of decision: 11.12.2025

SUDHIR BAGHA

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Ramneek Singh, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUBHAS MEHLA, J. (ORAL)

1. Present petition is the second attempt filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail to the petitioner in a case bearing FIR No.13 dated 07.03.2025 under Sections 309(4), 61(2), 111(3) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') and Section 25 of Arms Act, 1959 (Sections 310(2) and 317(2) of BNS added later on and Section 309(4) of BNS deleted later on) registered at Police Station Behram, District SBS Nagar.

2. Brief facts of the prosecution are that on 07.03.2025, the complainant asked for some money from his brother, who told the complainant to collect the same from his driver, namely, Mandeep Singh (co-accused). When the complainant reached at the given location and was handed over money by his brother's driver, namely, Mandeep Singh (co-accused), there were other persons present at the spot with muffled faces. When the complainant was about to keep money on the rear seat of the vehicle, four persons with muffled faces encircled his vehicle and one of them pointed a pistol at the complainant and asked him to come out of the vehicle. Thereafter, the accused snatched the complainant's phone (make Samsung Fold) as well



as his car (make Innova) and fled away from the spot by taking the amount given by brother of the complainant i.e. Rs.7,43,000/-, and an amount of Rs.10,00,000/- which was already in complainant's car along with his purse containing RC of the vehicle, PAN card and four credit cards kept in vehicle. Hence, the FIR was registered.

3. Learned counsel for the petitioner contended that the petitioner has been falsely involved in the present case; the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused, which is inadmissible in evidence; there is nothing on record to show that the petitioner was present at the spot of occurrence nor that he has received any proceeds of the crime. Learned counsel further challenged the case of the prosecution on the ground that there is nothing on record to show that the complainant actually possessed the huge amount of Rs.17,43,000/-, nor its source has been established. Learned counsel has fairly admitted that although, the petitioner is involved in other cases also but he is ready to join investigation. As such, learned counsel prayed for anticipatory bail to the petitioner.

4. Upon advance notice, learned State counsel appeared on behalf of respondent-State and submitted that present petition seeking anticipatory bail is not maintainable as no substantial change of circumstances has taken place after the dismissal of the first anticipatory bail on merits; challan in the present case has been presented and proclamation proceedings have been initiated against the petitioner, therefore, he is not entitled for the relief of anticipatory bail; the petitioner is involved in other cases also and he is required for custodial interrogation for effective investigation.



5. Heard.

6. As per the facts of the present case and the submissions made by learned counsel for the petitioner as well as learned State counsel, this is the second anticipatory bail petition and the first petition seeking anticipatory bail was dismissed on merits by a Co-ordinate Bench of this Court by passing a detailed order on 19.05.2025 in **CRM-M No.19866 of 2025** titled as '**Sudhir Bagha vs. State of Punjab**' (Annexure P-5). This Court is of the view that there is no substantial change in circumstances of the case and the present petition being second petition for grant of anticipatory bail, without any change of circumstances, is not maintainable. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition.

7. The Apex Court in **Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, (2005 (2) KLT SN 4 (C.No.3) SC** considered the legality and propriety of successive bail applications. It was held:

“Therefore, even though there is room for filing a subsequent bail application in cases where earlier applications have been rejected, the same can be done if there is a change in the fact situation or in law which requires the earlier view being interfered with or where the finding has become obsolete. This is the limited area in which an accused who has been denied bail earlier, can move a subsequent application.”

8. Thus, it is a settled proposition of law, which is reinforced by the Hon'ble Apex Court, 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, and is available only when new and material factors arise that alter the initial



assessment of the case. 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 the present anticipatory bail petition. Further, the role attributed to the petitioner is that he is the main accused and out of the looted amount of Rs.17,43,000/-, he has received Rs.13,43,000/-; the petitioner does not have clean and clear antecedents and is involved in other cases also, and the petitioner is required for custodial interrogation for recovery of money looted by him. As such, anticipatory bail cannot be granted to the petitioner in view of law laid down by the Hon'ble Supreme Court in case titled as '*CBI Vs. Anil Sharma, 1997 AIR Supreme Court 3806*' decided on 03.08.1997, wherein the importance of custodial interrogation has been emphasized by holding that many useful informations and concealed materials may be elicited from a suspect in custody, rather than from a suspect who is well-protected by an order of anticipatory bail, in which case, interrogation may be reduced to a mere ritual.

9. In view of the above, this Court finds no ground to grant anticipatory bail to the petitioner and the present petition stands dismissed.

10. Nothing observed hereinabove shall be construed as an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

December 11, 2025

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(SUBHAS MEHLA)
JUDGE

- (i) Whether speaking/reasoned
- (ii) Whether reportable

Yes/No
Yes/No