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

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Amritpal Singh

...Petitioner

V/s

State of Punjab and another

...Respondents

Date of decision: 10.12.2025**Date of Uploading : 10.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Vipin Mahajan, Senior Advocate with
Ms. Gaganbir Kaur Kahlon, 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.81 dated 31.07.2024, registered for the offences punishable under Sections 109, 115(2), 324(4), 191(3), 190, 351(2), 117(2) of BNS, 2023 and Section 25 of the Arms Act, 1959 at Police District Kalanaur, District Gurdaspur.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 10.02.2025. The relevant part of said order reads as under:-

“ After arguing at some length, learned counsel for the petitioner seeks withdrawal of the present petition at this stage.

2. Dismissed as withdrawn at this stage.

3. Pending application(s), if any, also stand disposed of.”

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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 08.12.2025.

2. The FIR in question was lodged on the statement of Bahadur Singh, son of Balwant Singh, aged about 42 years, resident of Dheriwal, Kiran, Police Station Kalanaur. He stated that he was labourer by profession. On 30.07.2024 at about 8:30 PM, the complainant alleged that he and his younger brother Mangal Singh were standing near his residence then accused Jatinder Singh son of Jarnail Singh, Lakhwinder Singh son of Banta Singh, Harjinder Singh son of Banta Singh, Amritpal Singh son of Jarnail Singh (petitioner herein), Baljinder Singh son of Lakhbir Singh, Gurpreet Singh son of Harjinder Singh, Kuljinder Singh son of Jagir Singh, Sarwan Singh son of Bakshish Singh, Jatinder Singh son of Lakhbir Singh, Balpreet Singh son of Kuldeep Singh, Gagandeep Singh son of Kulbir Singh, and Malkit Singh (Pump Wala), all residents of nearby villages, came there. All the accused were armed with pistols, a rifle, kirpans, datars and a gandasi and said that Manpreet Singh, son of Kulwant Singh (cousin of the complainant) should be taught a lesson for making a viral video. Amritpal Singh (petitioner herein) raised a lalkara, after which accused Jatinder Singh, Malkit Singh, Amritpal Singh and Lakhwinder Singh fired gunshots with the intention to kill. During the attack, accused Sarwan Singh hit the brother of the complainant - Mangal Singh on the head with a gandasi. When the complainant tried to intervene to save his brother, accused Baljinder Singh struck the complainant on the center of his head with a datar. Accused Balpreet Singh hit the brother of the complainant -



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Mangal Singh on his left hand with the reverse side of a *datar*. Accused Gurpreet Singh injured the right hand of the complainant with a *datar*. Accused Jatinder Singh and Gagandeep Singh struck the brother of the complainant - Mangal Singh on his legs and accused Kuljinder Singh injured the left hand of the complainant with a *datar*. After firing shots, all the accused fled from the spot. Thereafter, the injured were taken to CHC Kalanaur for treatment but relatives of Amritpal Singh (petitioner herein) did not allow admission of the injured, damaged the vehicle and again fired shots. Thereafter, another vehicle was arranged and the injured were taken to Civil Hospital, Gurdaspur, for treatment. On these set of allegations, the FIR in question was registered.

3. Learned counsel for the petitioner has iterated that the FIR is a fabricated and concocted story just to falsely implicate the petitioner. Learned counsel has further iterated that though the petitioner is alleged to be armed with a pistol and to have raised a *lalkara* but no firearm injury has been caused to anyone. Learned counsel has further submitted that no overt act or injury is attributed to the petitioner. According to learned counsel, the injuries suffered by the complainant and his brother are simple in nature and none of the injuries have been declared dangerous to life. Learned counsel has emphasized that no empty cartridges or pellets were recovered from the place of occurrence and the present case is one of version and cross-version. 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 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 10.02.2025 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 allegations levelled in the FIR disclose a grave and heinous offence. According to learned State counsel, the petitioner has been named in the FIR and has been attributed a specific role of raising a *lalkara* while being armed with a pistol. Learned State counsel has contended that the petitioner shared common intention and abetted the commission of the offence. Learned State counsel has further submitted that the custodial interrogation of the petitioner is necessary for recovery of weapons, to ascertain the exact



sequence of events and to unearth the conspiracy behind the occurrence. Accordingly, 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 10.02.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on and around 08.12.2025. 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 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. The FIR discloses that the petitioner, alongwith several co-accused, came at the spot armed with deadly weapons and threatened the complainant party. The specific allegations against the petitioner is that he was armed with a pistol and raised a *lalkara* pursuant to which the co-accused started firing and attacking the complainant party with deadly weapons. At this stage, the role attributed to the petitioner cannot be said to be insignificant. In the considered opinion of this Court, raising a *lalkarain* such circumstances *prima facie* amounts to instigation and abetment. 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 complainant party. The incident in question, therefore, does not merely reflect a physical altercation but a targeted and premeditated act of aggression.

9. The plea of the petitioner that no firearm injury was caused and therefore the allegations of firing are improbable cannot be accepted at this stage while considering the plea for grant of anticipatory bail. The absence of firearm injuries or recovery of empty cartridges is a matter of investigation and trial. The injuries sustained by the complainant and his brother Mangal Singh, though not declared dangerous to life but are duly supported by medical evidence and corroborate the occurrence. The use of sharp-edged weapons and firearms reflects the seriousness of the offence.

No cause *nay* plausible cause has been shown, at this stage, from which it



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can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the FIR specifically names the petitioner and attributes to him the role of instigation by raising a *lalkara*. At this nascent stage of investigation, it would be premature to conclude that the petitioner has no role or shared common intention. 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



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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 nature and gravity of the allegations, the active role attributed to the petitioner, the involvement of deadly weapons and the requirement of custodial interrogation for effective investigation and recovery of weapons, 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

December 10, 2025

Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No