

2025:PHHC:179591



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

**CRM-M-73878-2025
DECIDED ON: 31.12.2025**

JASPAL**.....PETITIONER(S)****VERSUS****STATE OF PUNJAB****.....RESPONDENT(S)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Binat Sharma, Advocate
for the petitioner (through Hybrid Mode)

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked for the 2nd time under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 151 dated 09.06.2025 under Sections 118(1), 126(2), 351(2), 324(4), 3(5) of BNS Act, 2023 registered at Police Station Tanda, District Hoshiarpur.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Amritpal Singh, 26 years old, farmer from Dargaheri stated that on the date of the incident (9th June 2025), he and his younger brother Tejinder Singh were riding on motorcycle number PB 21 C-7919 to deliver lunch to laborers in the village Jia Natha. Around 12:00 PM, near the pond in village Sohian, Jaspal alias Jassa Pandit intercepted and slapped him, abused him, and as both brothers left toward Jia Natha, Jaspal chased them in a Swift car (PB 07-U-5550) and intentionally collided with their motorcycie, causing them to fall on the road. Jaspal then got out, attacked Tejinder Singh on his back

with a spear-like weapon (dang with spear tip) and threatened them with a pistol. As the crowd gathered, Jaspal fled the scene. Later, while both brothers were receiving treatment at CHC Tanda emergency ward, Jaspal returned accompanied by Jaten and Katen, both armed with small kirch (daggers). Inside the emergency ward, the accused attacked Amritpal repeatedly: Jaten stabbed the left side of his head Katen stabbed the right side of his head Jaspal targeted the left shoulder Jaten again struck his lower back Katen stabbed the center of his head. Public presence forced the accused to flee again. Tejinder Singh was referred to Civil Hospital Hoshiarpur due to serious condition. Amritpal claimed the motive behind the attack was land-related enmity, as the accused opposed the complainant using a leased field in their village and often tried to restrict their movement. Medical Reports (MLR) Entries: Jaspal (the accused) - MLR No. SS/74/2025 Amritpal Singh - MLR No. SS/75/2025 (5 injuries recorded: 4 blunt, 1 sharp, most Tejinder Singh - MLR No. SS/76/2025 Amritpal was declared fit to give a statement, while Tejinder was referred to a higher hospital, and Jaspal was found not present on the hospital bed.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that an earlier petition for anticipatory bail bearing CRM-M-56322-2025 was dismissed by a co-ordinate Bench vide order dated 16.10.2025 (Annexure P-11). However, he further submits that now the challan has been presented and as per the medico-legal report, all the injuries have been declared to be simple in nature, with none having been found to be grievous or dangerous to life. He further contends that the co-accused, namely Ketan Joshi and Jatin Joshi, have already been granted the concession of anticipatory bail vide orders dated 04.09.2025 and 19.09.2025 respectively (Annexures P-9 and P-10).

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Rajiv Verma, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and raises a preliminary objection regarding the maintainability of the present petition, submitting that a second application for anticipatory bail under Section 482 of the BNSS, 2023, without there being any change in circumstances, is not maintainable. He further submits that this fact has not been controverted by learned counsel for the petitioner, inasmuch as an earlier petition bearing CRM-M-56322-2025 had also been filed by the petitioner and the same was dismissed vide order dated 16.10.2025 (Annexure P-11).

4. Analysis

Be that as it may, before going to the merits of the case, this Court, would prefer to adjudicate on the preliminary objection raised by the learned State counsel i.e., whether second anticipatory bail application under Section 482 of BNSS, 2023, is maintainable?

From the perusal of record, it is an admitted fact by the learned counsel for the petitioner that earlier also a petition bearing No. CRM-M-56322-2025 was filed seeking anticipatory bail, but the same was dismissed vide order dated 16.10.2025 (Annexure P-11).

This Court is conscious of the fact that while exercising powers under Section 482 of BNSS, 2023 it is duty bound to strike a balance between the individuals right to personal freedom and the investigational right of the police, therefore, the provisions of anticipatory bail cannot be allowed to put to abuse at the instance of unscrupulous petitioners.

Accordingly, the second or subsequent bail application under Section 482 of BNSS, 2023, can be filed, if there is a change in the fact-situation or in law,

which requires the earlier view being interfered with or where the earlier finding has become obsolete. An accused, who has been denied the bail earlier can move a subsequent application only in that limited area. If the issue, which had been canvassed earlier, would not be permitted to be re-agitated on the same grounds, as it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

In the instant case, 2nd petition for anticipatory bail has been moved without any change of circumstances being demonstrated by the petitioner before this Court, after the dismissal of earlier petition vide order dated 16.10.2025 passed in CRM-M-56322-2025 (Annexure P-11) by a co-ordinate Bench. The mere presentation of the challan, by itself, cannot be construed as a change in circumstances so as to warrant reconsideration of the prayer for anticipatory bail, particularly when the grounds now urged were available and could have been raised at the time of adjudication of the earlier petition.

This Court is, therefore, of the considered view after having examined the submissions made by the counsel for the petitioner and the ambit of Section 482 of BNSS, 2023, this petition fails.

Hence, while holding that second anticipatory bail in no change of circumstances, is not maintainable, the petition is hereby ordered to be dismissed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.12.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No