



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-9645-2026 (O&M)

Date of decision: 26.05.2026

Baldev Singh

...Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Viren Sibal, Advocate and
Mr. Shayon Sen, Advocate for the petitioner.

Mr. Mohit Kapoor, Senior DAG, Punjab.

Mr. Vijay Rana, Advocate and
Ms. Shreya Rana, Advocate for the complainant.

VINOD S. BHARDWAJ, J. (Oral)

1. This second petition has been filed for grant of anticipatory bail in case bearing FIR No.172 dated 25.09.2025 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Civil Lines, District Amritsar, the first petition having withdrawn after hearing the matter at some length vide order dated 11.02.2026 passed by this Court.

2. Learned counsel appearing on behalf of the petitioner contends that the judgment rendered by the Hon'ble Supreme Court in the matter **Delhi Race Club Limited & Others v. State of Uttar Pradesh & Another reported as 2024(10) SCC 690** was not brought to the notice of this Court at the time when the earlier petition for grant of anticipatory bail was argued and withdrawn.

3. Learned counsel, however, fairly does not dispute the settled position in law that mere advancement of a new legal argument or reliance

upon an additional precedent would not, by itself, constitute a substantive or material change in circumstances so as to render a second petition for anticipatory bail maintainable.

4. It is well settled that a successive petition seeking identical relief is maintainable only upon demonstration of a substantial change in fact situation, emergence of new circumstances or alteration in the legal or investigative framework subsequent to withdrawal or dismissal of the earlier petition. The petitioner, at the stage of hearing of the first anticipatory bail petition, was at liberty to raise all factual and legal submissions available to him in law.

5. Once the matter had been heard at length and the earlier petition was withdrawn, it must ordinarily be presumed that all such pleas, arguments and authorities as were available to the petitioner at the relevant time either stood raised or consciously abandoned. The petitioner cannot be permitted to reagitate the matter merely by adopting a different line of argument through subsequent counsel.

6. Merely because there has been a change of counsel or that the newly engaged counsel seeks to rely upon an additional judgment or propound an alternate legal submission, the same would not amount to a change in circumstances warranting entertainment of a second petition for anticipatory bail. Acceptance of such a proposition would virtually permit repeated reopening of identical proceedings upon every subsequent change of legal strategy, which is impermissible in law.

7. The Division Bench of this Court in the matter of '**Manjinder Kaur Vs. State of Punjab**', reported as **2023(3) Law Herald 2080**, has

specifically held that the second petition for grant of anticipatory bail would be maintainable in a material change of circumstances, however, certain aspects have not been deemed as a change of circumstance and a change of argument certainly does not fall within the definition thereof. The Division Bench's judgment in the matter of ***Manjinder Kaur (Supra)*** was duly noticed by this Court in its order dated **12.11.2025** passed in **CRM-M-46006-2025** titled as '***Kuldeep Randhawa Vs. State of Punjab***' as well as in the matter of '***Rajender Vs. State of Haryana***' reported as **2023 NCPHHC 161826**. The relevant extract thereof reads thus:-

“9. Counsel for the complainant submits that the aforesaid issue has already been considered by a Coordinate Bench of this Court in the matter of '***Rajender Vs. State of Haryana***' reported as **2023 NCPHHC 161826** and it was specifically held that a subsequent petition for anticipatory bail is not maintainable merely because of further developments such as arrest of the co-accused, arrest of the main accused, or the grant of bail to any co-accused. Such circumstances, it was held, do not amount to a “material alteration” warranting reconsideration. He contends that since these arguments have already been examined and rejected and held insufficient to meet the threshold of changed circumstances, the present second petition for anticipatory bail would not be maintainable. The operative part of the judgment in the matter of ***Rajender (supra)*** is extracted as under:-

“17. An analysis of the above judicial precedents

leads to the following outcome. Section 362 of the Code operates as bar to any alteration or review of the cases disposed of by the Court. (1) It is an accepted principle of law that when a matter has been finally disposed of by a Court, the Court is, in the absence of a direct statutory provision, *functus officio* and cannot entertain a fresh prayer relief in the matter unless and until the previous order of final disposal has been set aside or modified to that extent. (2) Second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. (3) The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge, (4) Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co accused or main accused or bail granted to co accused, different considerations, some more details, new documents or

illness of the accused (5) It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court. (6) Second or subsequent bail application under Section 438 Cr.P.C. 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; this is the limited area in which an accused who has been denied bail earlier, can move a subsequent application. The petition was for anticipatory bail and the one which had been filed earlier might have been withdrawn in a given situation, without inviting the Court to consider the same on merits; On change of circumstances, when another application under Section 438 Cr.P.C. was filed, the High Court should have considered the same on merits.

((1) Abdul Basit Raju v. Md. Abdul Kadir Chaudhary, SLP (Cri.) No. 68556857 of 2013. decided on 15.9.2014, Supreme Court, Para 25.]

(12) Abdul Basit Raju v. Md. Abdul Kadir Chaudhary, SLP (Crl.) No. 68556857 of 2013, decided on 15.9.2014 Supreme Court, Para 25.)

(3) ***Manjinder Kaur v. State of Punjab, 2023(3) Law Herald 2080***, Division Bench of Punjab & Haryana High Court, para 12.]

(4) ***G.R. Ananda Babu v. State of Tamil Nadu, 2021(1) RCR (Criminal) 843***, three-member bench of Supreme Court, Para 7.)

(15) ***Manjinder Kaur v. State of Punjab, 2023(3) Law Herald 2080***, Division Bench of Punjab & Haryana High Court, para 12.]

[(6) ***Manjinder Kaur v. State of Punjab, 2023(3) Law Herald 2080***, Division Bench of Punjab & Haryana High Court, para 12.]

[(7) ***Ganesh Raj v. State of Rajasthan and others, 2005 CrU 2086***, three-member bench of Rajasthan High Court, Para 25.]”

(Emphasis supplied)

10. So much so, even the Division Bench judgment of this Court in *Manjinder Kaur* (supra), relied upon by the petitioner himself, carves out the very same principle and the same had been relied by the learned Single Bench. It has been clearly and unequivocally held therein that developments such as the arrest of a co-accused or the main accused, or the grant of bail to any co-accused, do not constitute a “changed circumstance” so as to render a second petition for anticipatory bail maintainable. The relevant extract of the judgment of Division Bench in the matter of ***Manjinder Kaur***

(supra) reads thus:-

“12. We have already held that second/subsequent/ successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 CrPC stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co-accused or main accused or bail granted to co-accused, different considerations, some more details, new documents or illness of the accused. It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court.”

(Emphasis supplied)

12. Even though, ordinarily an argument would have been available to the petitioner to contend that the earlier petition was a mere simplicitor withdrawal and therefore would not operate as a bar, in view of the judgment of the Hon’ble

*Supreme Court in **Rani Dudeja v. State of Haryana, (2017) 13 SCC 555**, and the merits ought to be considered, however, a perusal of the order dated 19.03.2025 passed in the earlier bail petition clearly shows that it was not a case of simplicitor withdrawal at the very outset and without consideration on merits, rather, the matter was heard at considerable length, and only when the Court appeared disinclined to grant the relief sought, the petitioner chose to withdraw the petition. The withdrawal was thus not under a situation where merit has not been considered at all or was not even technical in nature. It was also not accompanied by any request or liberty to file a fresh petition. Having taken a considered chance of seeking a judicial adjudication on merits, and thereafter withdrawing the petition to avoid an adverse order, the petitioner cannot now claim the benefit of treating such withdrawal as a simplicitor withdrawal so as to reopen the matter on merits through a successive second anticipatory bail petition.”*

8. Since learned counsel for the petitioner is unable to point out any substantive or material change in circumstances arising subsequent to withdrawal of the earlier anticipatory bail petition and the present petition is founded merely upon advancement of an additional legal argument and reliance upon a judgment which was not cited earlier, this Court finds no merit in the contention sought to be raised.

9. A mere change in legal strategy, refinement of submissions or adoption of a new line of argument cannot be camouflaged or projected as a

“change in circumstance” so as to maintain a successive petition seeking identical relief. Permitting such repeated invocation of jurisdiction on the basis of altered legal submissions alone would defeat the settled principles governing maintainability of second or successive anticipatory bail petitions and would encourage endless reopening of proceedings upon every subsequent change of counsel or legal approach.

10. In the absence of any fresh circumstance, new material, subsequent development or alteration in the factual or investigative position after withdrawal of the earlier petition, this Court does not find any ground warranting reconsideration of the prayer for grant of anticipatory bail.

11. Consequently, finding no merit in the present petition, the same is accordingly ***dismissed***.

(VINOD S. BHARDWAJ)
JUDGE

26.05.2026

Mangal Singh

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