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

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Vikas Sharma

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 18.03.2026**Date of Uploading : 18.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Munfaid Khan, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition is the third 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.26 dated 12.01.2023, registered for the offences punishable under Sections 5, 13(2), 17 of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 120-B of IPC and Section 11 of the Prevention of Cruelty to Animals Act, 1960 at Police Station City Palwal, District Palwal.

The first petition for grant of pre-arrest/anticipatory bail filed before this Court was dismissed as withdrawn on 19.04.2023. The relevant part of said order reads as under:-

“At the outset, learned counsel for the petitioner wishes to withdraw this petition with liberty to file fresh one on the same cause of action with better particulars.

Dismissed as withdrawn with aforesaid liberty.”

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Thereafter, the petitioner has preferred the second petition for grant of anticipatory/pre-arrest bail before this Court which was dismissed on merits by a detailed order on 17.07.2023.

The present petition is the third petition for grant of anticipatory/pre-arrest bail which has been preferred by the petitioner on 24.02.2026.

2. The gravamen of the allegations, as borne out from the FIR, is that on receipt of secret information, members of a Gau Raksha Dal intercepted an Eicher container bearing registration No. NL-01-Q7430, which was allegedly being used for transporting cows for the purpose of slaughter. Upon checking the said vehicle, 36 animals, including cows, calves and bulls, were found confined in a cruel and inhumane manner. The driver of the vehicle fled from the spot leaving the vehicle behind. On these set of allegations, the FIR in question came to be registered. During investigation, the vehicle in question is stated to be registered in the name of the present petitioner, which led to his implication in the present case.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and he has no connection with the alleged offence. Learned counsel has further iterated that the petitioner was neither named in the FIR nor present at the spot at the time of the alleged occurrence. Learned counsel has emphasized that the implication of the petitioner is solely on account of the fact that he is the registered owner of the vehicle in question, which, by itself, does not establish his involvement in the alleged crime. Furthermore, the said vehicle



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as a driver by the petitioner and any alleged act was committed by the said driver without the knowledge or consent of the petitioner. According to learned counsel, the petitioner himself has even approached the concerned authorities seeking action against the driver which demonstrates his bona fides. It has been further contended that the second anticipatory bail petition of the petitioner has been dismissed on account of a factual misrepresentation made on behalf of the State regarding the alleged involvement of the petitioner in another FIR, which, in fact, pertains to a different person. On this premise, learned counsel has argued that the instant third petition is maintainable and deserves fresh consideration. It has been further contended that there is no need for custodial interrogation of the petitioner as nothing is to be recovered from him. Furthermore, the petitioner is ready to join investigation and shall abide by all the terms and conditions that may be imposed by this Court. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail 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 third 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 19.04.2023 whereas the second petition was dismissed on 17.07.2023 wherein neither any prayer was made nor was any liberty has

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been granted to the petitioner to file afresh. 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, has iterated that the allegations levelled in the FIR are serious in nature and disclose a *prima facie* case against the petitioner. Learned State counsel has further iterated that despite registration of the FIR in the year 2023, the petitioner has deliberately evaded his arrest and has not joined the investigation at any stage. Referring to the status report dated 13.03.2026 by way of an affidavit of Sahil Dhillon, HPS, Deputy Superintendent of Police HQ Palwal, learned State counsel has submitted that repeated efforts have been made by the investigating agency to secure the presence of the petitioner, including issuance of bailable as well as non-bailable warrants by the competent Court; however, the petitioner has consistently remained absconding. It has been further submitted that proceedings under Sections 82 and 83 of Cr.P.C. have already been initiated against the petitioner and he has been declared a proclaimed person. Furthermore, a Special Investigation Team has been constituted for the effective investigation of the case and even a reward has been announced for the apprehension of the petitioner which reflects the seriousness of the allegations and the conduct of the petitioner. Furthermore, since the present petition is the third successive anticipatory bail application and is an abuse of the process of law and the same deserves to be dismissed with exemplary costs.

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.”



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7. Apart from it being third anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. From the material available on record, it transpires that the vehicle in question, which was allegedly used for transporting 36 animals in a cruel and inhumane manner for the purpose of slaughter, has been registered in the name of the petitioner. At this stage, the plea of the petitioner that he was merely the registered owner and has no knowledge of the alleged act cannot be accepted while considering the plea for grant of anticipatory bail. In the considered opinion of this Court, the vehicle in question was allegedly used in the commission of the offence and the ownership thereof *prima facie* connects the petitioner with the occurrence which requires a thorough investigation including the possibility of custodial interrogation. Furthermore, the role of the petitioner, including the circumstances under which the vehicle was being used and the extent of his knowledge or involvement can only be ascertained during the course of investigation.

8. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as withdrawn by this Court on 19.04.2023. Thereafter, the petitioner has preferred second petition for grant of anticipatory bail which came to be dismissed on 17.07.2023. It is well settled that a second/third anticipatory bail petition seeking identical relief is not maintainable unless there is a substantial change in circumstances after the disposal or withdrawal as per the jurisprudence on bail. The grounds urged in the present petition appear to be the same as those which were available to the petitioner at the time when the earlier



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petitions were withdrawn and dismissed. In the absence of any new fact, development or change in circumstances, entertaining successive petitions would amount to permitting repeated attempts for the same relief, which cannot be countenanced in law. Therefore, notwithstanding the submission regarding the limited role attributed to the petitioner, this Court finds that the present petition suffers from the vice of maintainability, as no change in circumstances has been demonstrated after the withdrawal or dismissal of the earlier anticipatory bail petitions. Accordingly, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Furthermore, it is borne out from the record that despite the registration of the FIR in the year 2023, the petitioner has failed to join the investigation and has remained absconding for a considerable period of more than three years. The stand of the investigating agency before this Court is that repeated coercive measures, including issuance of non-bailable warrants and initiation of proclamation proceedings, have been undertaken to secure his presence but the petitioner has chosen to evade the process of law. There is no substantial change *nay* any change in circumstances which may weigh, in favour of entertaining the instant third petition for anticipatory bail. *Ergo*, the instant petition deserves dismissal on this score alone.

8.1 Moreover, the first petition was dismissed as withdrawn on 19.04.2023; second petition was dismissed on 17.07.2023 and the instant petition has been preferred after a gap of more than 2½ years i.e. 24.02.2026. It is evident that the petitioner has deliberately evaded the process of law for over 03 years after the registration of the FIR. The conduct of the petitioner in avoiding arrest for such a prolonged period



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without any reasonable cause must be considered while adjudicating this second petition. The process of justice is meant to treat every individual in a manner which is equitable and fairly. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, no one can be permitted to subvert and cause devolution in the process of justice. Protracted absence, eluding the process of law and abrupt repetition of pleas for pre-arrest bail, in absence of convincing reason(s) is certainly not an act/behaviour which calls for sympathy/indulgence of the Court. The hiatus of more than 03 years on part of the petitioner (herein) is inexplicable *may* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him 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.

9. There is another aspect *may* vital aspect of the matter which deserves to be addressed by this Court.

The sanctity of the judicial process is predicated upon the principle of finality of judicial orders. While there is no express statutory embargo against the filing of successive applications for anticipatory bail, such a right is not an absolute charter for *procedural adventurism*. A litigant who approaches the same Court for the same relief, absent any material



change in circumstances engages in a stratagem of attrition that is less a pursuit of justice and more an exercise of *testing the waters*. Such a practice constitutes a classic case of forum shopping, wherein the litigant treats the halls of justice as a laboratory for speculative litigation. By repeatedly knocking on the same door without a fresh cause of action, such a litigant attempt to circumvent the hierarchy of the courts, ignoring the well-settled principle that a party aggrieved by an order must ascend the judicial ladder rather than move horizontally in hopes of a more favourable wind.

9.1 Pertinently, this *hit and try* methodology is a malady that must be detested by this Court, as it strikes at the very root of judicial propriety. To permit a litigant to treat the dismissal of a prior petition as a mere interlocutory suggestion, rather than an authoritative pronouncement, is to invite judicial anarchy. When a Court of is invited to re-evaluate the same facts and the same law previously adjudicated upon, it creates a perilous risk of conflicting orders, thereby eroding the public faith in the consistency and majesty of the law. The judicial time is a precious public resource, and its diversion into the redundant channels of repetitive pleas is a vexatious abuse of process. There is no gainsaying that if there is material change in circumstances the second/subsequent plea ought to be considered on merits thereof, however, if such a second/subsequent plea is based on similar factual *milieu*, the same ought to be nipped in the bud with an iron hand. Pertinently, such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with firmness. A litigant who misuses the

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process of law or take liberties with the procedural concession should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on such a misplaced adventurism. Accordingly, costs, which ought to be veritable and real time in nature, to be imposed upon the petitioner.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed with costs of ₹50,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Palwal within four weeks from today. In case such costs are deposited; CJM, Palwal shall have the same remitted to Haryana State Legal Services Authority, Panchkula. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Palwal is directed to intimate the Deputy Commissioner, Palwal who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Palwal shall have the same submitted to CJM, Palwal, for further remittance thereof to Haryana State Legal Services Authority, Panchkula. A compliance report be sent by CJM, Palwal as also Deputy Commissioner, Palwal to this Court accordingly.
- (iii) Registry is directed to transmit a copy of this judgment to CJM, Palwal as also Deputy Commissioner, Palwal for requisite compliance.
- (iv) Any observations made and/or submissions noted hereinabove

shall not have any effect on merits of the case and the investigating agency



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as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(v) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 18, 2026
Ajay

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