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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Daljit Singh

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 05.02.2026

Date of Uploading: 05.02.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.K. Choudhary, 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.338 dated 09.12.2023, registered for the offences punishable under Sections 302, 34 of IPC (Sections 103 3(5) of BNS) and Sections 25, 27 of the Arms Act (Section 120-B of IPC (61(2) of BNS) added and Section 25 of Arms Act deleted later at Police Station Mandi, District Police Commissionerate Jalandhar.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 04.08.2025. The relevant part of the said order reads as under:-

*"After arguing the matter at length, learned counsel for the petitioner wishes to withdraw the present petition.
Dismissed as withdrawn."*

2. The gravamen of the FIR, lodged on the statement of complainant namely Gurpreet Singh, is that on 09.12.2023 during a function



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at Dhillon Palace, Jalandhar, the complainant alongwith his elder brother Daljit Singh (deceased) went to the washroom situated near the gate of the palace. At about 04:45 PM the accused Surjit Singh accompanied by his brother and an unknown associate(s), entered the washroom. Accused - Surjit Singh allegedly took out a revolver and fired at the brother of complainant - Daljit Singh, hitting him in the abdomen. It has been further alleged that when the deceased attempted to flee, the accused Surjit Singh fired further shots, one of which hit him on the head above the neck. The injured was immediately taken to Johal Hospital but he succumbed to his injuries. On these set of allegations, the instant FIR *ibid* was registered against the accused. In the supplementary statement, the complainant specifically attributed role to the petitioner and another co-accused stating that they were present at the spot and were raising *lalkaras* and instigating the main accused to commit the murder.

3. Learned counsel for the petitioner has iterated that there has been a material change in the circumstances since the dismissal of the earlier bail petition on 04.08.2025. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question as he was not earlier named in the FIR. According to learned counsel, the name of the petitioner surfaced only in the supplementary statement of the complainant which is an afterthought. Furthermore, no specific overt act has been attributed to the petitioner in the commission of the offence. The allegations against the petitioner are general in nature and limited to the extent that he was present and allegedly raised exhortations. It has been further contended that no weapon has been attributed to the petitioner nor any injury has been



that the occurrence has arisen out of a sudden altercation inside the washroom and the fatal shots have been fired by the co-accused Surjit Singh. It has been further submitted that as per the CCTV footage which is in police custody, the petitioner could not be seen anywhere in the video. Learned counsel has further submitted that no further recovery or custodial interrogation of the petitioner is required, thus, no useful purpose would be served by sending him behind the bars. On the basis of aforesaid submissions, the grant of instant petition is entreated for.

4. At the outset, learned State counsel has submitted that the present petition is not maintainable as the first anticipatory bail petition preferred by the petitioner stands dismissed as withdrawn. According to learned State counsel, there is no substantial change in the circumstances which entitles the petitioner to maintain the present second petition espousing the same cause. On merits, learned State counsel has iterated that the petitioner has been specifically named in the supplementary statement of the complainant as one of the persons who accompanied the main assailant and actively instigated him at the time of occurrence. Learned State counsel has further iterated that the offence is heinous in nature, involving the use of a firearm in a public function, which resulted in death of a person. Considering the seriousness of the offence, the custodial interrogation of the petitioner is necessary to ascertain the complete sequence of events and the larger conspiracy. 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



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. At the outset, it may be noticed that this is the second petition filed by the petitioner for grant of anticipatory bail as his earlier plea was rejected by this Court on 04.08.2025. Since there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. Indubitably, the allegations pertain to a broad daylight shooting inside the premises of a marriage palace wherein the deceased namely Daljit Singh sustained firearm injuries and succumbed thereto. Though the fatal shots have been attributed to co-accused Surjit Singh but the present petitioner has been specifically named in the supplementary statement as having accompanied the principal assailant and have raised exhortations (*lalkaras*) at the time of occurrence thereby instigating and facilitating the commission of the offence. At this stage, the contention that the petitioner that he was not named initially in the FIR does not advance his case as the subsequent statements recorded during the course of investigation can legitimately unfold the complete narrative. The role attributed to the petitioner is not of a mere spectator. The incident appears to have been premeditated and carried out in a coordinated manner by the petitioner alongwith co-accused which reflects the grave and serious nature of the offence. No cause *nay* plausible cause has been shown, at this stage, from



into the present FIR. 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 interests. 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 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.”

9. Another important factor which craves attention of this Court is

the hiatus between dismissal of the earlier petition on 04.08.2025 and the



filing of the present petition which is also a significant factor while adjudicating the second plea of the petitioner for grant of anticipatory bail. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner came to be dismissed by this Court on 04.08.2025 and thereafter, the petitioner has filed the instant petition i.e. second petition (for grant of anticipatory bail). In the considered opinion of this Court, the record would reveal that the petitioner has initially approached the learned Court below on 16.05.2024 whereby his application for grant of anticipatory bail was rejected on merits. Till now, the petitioner has willfully evaded his arrest and failed to submit himself to the process of law. Such conduct demonstrates a clear disregard for the judicial process and constitutes a compelling ground to deny the grant of anticipatory bail to the petitioner. The prolonged evasion of the petitioner weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. Furthermore, the first petition of the petitioner was dismissed on 15.05.2024 by the Court below, thereafter, he has approached this Court whereby his plea for anticipatory bail was rejected on 04.08.2025 and thereafter, the instant petition has been preferred after a gap of more than 06 months i.e. on 11.02.2026. It is evident that the petitioner has evaded the process of law for around 1½ years. The conduct of the petitioner in avoiding arrest for such a prolonged period without any reasonable cause must be considered while adjudicating this second petition. Process of justice is meant to treat every individual in a manner which is equitable and fair. However; if the petitioner-accused choose to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating the 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 approximately 1½ years on part of the petitioner (herein) is inexplicable *nay* 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.

10. In view of above ratiocination, it is directed as under:
- (i) The instant petition, being devoid of merit, is hereby dismissed at this stage.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

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

(SUMEET GOEL)
JUDGE

March 05, 2026
Ajay

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