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

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Mani

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 11.03.2026**Date of Uploading : 11.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Umesh Kumar Kanwar, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG 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.155 dated 27.07.2025, registered for the offences punishable under Sections 109, 115(2), 118(1), 126(2), 324(4), 191(3) and 190 of BNS, 2023 at Police Station Basti Bawa Khel, District Police Commissionerate, Jalandhar, Punjab.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 30.10.2025. The relevant part of said order reads as under:-

"2. Learned counsel appearing for the petitioner, after arguing for sometime, seeks to withdraw the present petition.

3. Ordered accordingly. "



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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 06.03.2026.

2. The gravamen of the allegations, as borne out from the FIR, is that the complainant Anil Kumar @ Sonu stated that on the night of 25.07.2025 at about 10.00 PM he along with his son Nikhil @ Navraj was present at his utensil repair shop situated at Pannu Vihar. It has been alleged that when they were closing their shop and proceeding towards their residence, several persons including the present petitioner, who were armed with deadly weapons such as *datar*, *gandassa* and *kirpan*, intercepted them and attacked them. The complainant had specifically alleged that the petitioner (herein) inflicted a *datar* blow on his head. It has been further alleged that the co-accused persons had also caused injuries with sharp-edged weapons on various parts of the body of the complainant and also assaulted his son and nephew when they attempted to rescue him. It has been further alleged that all the accused persons attacked the complainant with the intention to kill him and also destroyed his vehicle bearing registration No. PB-08-EV-8747. On these set of allegations, the FIR in question came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of personal enmity and the allegations levelled in the FIR are devoid of merit. Learned counsel has further iterated that the petitioner has not caused any grievous injury to the complainant and the alleged injury attributed to the petitioner has not been declared dangerous to life, as per the medical record.



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It has been further submitted that the alleged occurrence is a result of a sudden altercation and the role attributed to the petitioner has been exaggerated with an intention to falsely implicate him. Learned counsel has emphasized that the co-accused namely Tarsem Lal @ Soma and Sunil Bhalwan has already been granted the concession of anticipatory bail by this Court and, therefore, the petitioner is also entitled to the same relief on the ground of parity. 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 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 earlier petition was dismissed as withdrawn on 30.10.2025 and neither any prayer was made nor was any liberty 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 submitted that the allegations levelled in the FIR are serious in nature and disclose a *prima facie* case against the petitioner. Learned State



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counsel has iterated that the petitioner has been specifically named in the FIR and a distinct role has been attributed to him in the occurrence. Furthermore, as per the statement of the complainant, the petitioner was armed with a sharp-edged weapon i.e. *datar* and inflicted a blow on the head of the complainant, which is a vital part of the body. Learned State counsel has emphasized that the occurrence was not an isolated act but a concerted attack carried out by several accused persons who were armed with deadly weapons and acted with a common intention. Furthermore, the investigation is still at a crucial stage and the custodial interrogation of the petitioner may be required to ascertain the manner of occurrence and the role of each of the accused persons involved in the assault. On these premises, learned State counsel has prayed for the dismissal of the instant petition.

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. 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. As per the version of the prosecution, the petitioner has been specifically named by the complainant and a distinct role has been attributed to him in the occurrence. The petitioner was armed with a sharp-edged weapon i.e. *datar* and is alleged to have inflicted a blow on the head of the complainant i.e. a vital part of the body which *prima facie* indicates the seriousness of the assault. The occurrence, as narrated in the FIR, further suggests that the petitioner along with other co-accused persons formed an unlawful assembly and collectively attacked the complainant and his family members with deadly weapons. The allegations disclosed a

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concerted attack wherein not only the complainant but also his son and nephew were allegedly assaulted & even the vehicle of the complainant has been destroyed. The plea raised on behalf of the petitioner that the injury attributed to the petitioner has not been declared dangerous to life and that some of the co-accused have been granted the concession of anticipatory bail, does not persuade this Court. In the considered opinion of this Court, in case involving offences punishable under Section 109 of BNS, where the allegations reflect a concerted and an organised attempt to eliminate a person, a strict approach needs to be adopted. The role attributed to the petitioner is specific and involves the use of a sharp-edged weapon during the assault.

8. There is yet another determinative aspect of the matter which craves attention of this Court.

Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as withdrawn by this Court on 30.10.2025. It is well settled that a second 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 petition was withdrawn. 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

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petition suffers from the vice of maintainability, as no change in circumstances has been demonstrated after the withdrawal of the earlier anticipatory bail petition. Accordingly, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Furthermore, there is no substantial change *nay* any change in circumstances which may weigh, in favour of entertaining the instant second petition for anticipatory bail. *Ergo*, the instant petition deserves dismissal on this score alone.

8. Furthermore, the first petition was dismissed as withdrawn on 30.10.2025 and the instant petition has been preferred after a gap of more than 05 months i.e. 06.03.2026. It is evident that the petitioner has deliberately evaded the process of law for over 05 months. 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. 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 05 months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore, the conduct of the petitioner when examined in the backdrop of the



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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 *nay* 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



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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 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. Consequently, the present petition is dismissed with costs of ₹5,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Jalandhar within four weeks from today. In case such

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costs are deposited; CJM, Jalandhar shall have the same remitted to Punjab State Legal Services Authority, Mohali. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Jalandhar is directed to intimate the Deputy Commissioner, Jalandhar who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Jalandhar shall have the same submitted to CJM, Jalandhar, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Jalandhar as also Deputy Commissioner, Jalandhar to this Court accordingly.

(iii) Registry is directed to transmit a copy of this judgment to CJM, Jalandhar as also Deputy Commissioner, Jalandhar 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 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 11, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No