



CRM-M-14216-2026

1

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

115

CRM-M-14216-2026

Rajesh Mahajan

...Petitioner

V/s

State of Punjab and another

...Respondents

**Date of decision: 13.03.2026****Date of Uploading : 13.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Satyam Tandon, 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.146 dated 21.07.2017, registered for the offences punishable under Sections 408 and 420 of IPC/Section 316(4) and 318(4) of BNS, 2023 at Police Station Civil Lines Batala, District Gurdaspur.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 06.03.2018. The relevant part of said order reads as under:-

*“On submission of Ld. Counsel for the petitioner, the present petition is permitted to be dismissed as withdrawn.*

*Ordered accordingly.”*



Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 12.03.2026.

2. The gravamen of the allegations, as borne out from the FIR, is that the petitioner has been employed as an Accountant in the firm of the complainant namely M/s Sam International, Batala, and was entrusted with the job of handling the financial and accounting affairs of the firm. It has been alleged that the petitioner, taking advantage of the trust reposed in him by the complainant, dishonestly misappropriated the funds of the firm. It has been further alleged that the petitioner had received cash from the firm on several occasions & instead of depositing or utilizing the same for the purposes of the firm, had transferred the amounts to his personal bank account. The complainant has further alleged that by way of such acts the petitioner had siphoned of an amount of approximately ₹11,15,166/-. It has been further alleged that the petitioner had failed to deposit the statutory dues such as taxes payable by the firm which resulted in a penalty being imposed upon the complainant by the authorities. It has been further alleged that certain cheques issued by the firm for external payments were allegedly deposited by the petitioner into his own personal bank account and utilized for his personal benefit. 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 dispute between the parties is essentially civil in nature arising out of financial transactions during the course of employment. Learned counsel has emphasized that the matter has now stands amicably settled between the



petitioner and the complainant with the intervention of respectable persons of the society and a compromise deed dated 12.02.2026 has also been executed between them. Learned counsel has further iterated that in view of the compromise, the petitioner has already approached this Court by way of a separate petition seeking quashing of the FIR and consequential proceedings. It has been further contended that the petitioner has earlier been granted the concession of regular bail by the Court below in the year 2018, however, due to unavoidable circumstances during the Covid-19 pandemic period he could not appear before the Court below and consequently he was declared a proclaimed offender vide order dated 29.05.2023. It has been further submitted that the petitioner now intends to appear before the Court below and shall cooperate with the proceedings but apprehends arrest due to the proclamation order. Learned counsel asserts that since the dispute has amicably been settled and nothing remains to be recovered from the petitioner, no useful purpose would be served in case the petitioner is granted the concession of anticipatory bail. Furthermore, the petitioner is ready to abide by all the terms and conditions that may be imposed by this Court and there is no likelihood of the petitioner absconding from the process of justice. 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. Learned State counsel has submitted that the earlier petition was dismissed as withdrawn on 06.03.2018 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 petitioner has deliberately evaded the process of law for several years. Learned State counsel has iterated that despite registration of the FIR in the year 2017, the petitioner has failed to regularly participate in the trial proceedings and ultimately absented himself from the Court, as a result of which he was declared a proclaimed offender on 29.05.2023. It has been further contended that the conduct of the petitioner clearly demonstrates that he has scant regard for the process of law. Learned State counsel further submits that the petitioner is involved in multiple other cases of similar nature registered at different places. It has been further submitted that a person who has been declared a proclaimed offender cannot ordinarily seek the extraordinary discretionary relief of anticipatory bail, particularly when his conduct reflects a deliberate attempt to evade arrest for a considerable period of time. On the strength of these submissions, 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 was working as an Accountant in the firm of the complainant and



was entrusted with the responsibility of handling the financial affairs of the business of the complainant. The FIR disclosed that the petitioner has misused the trust reposed by the complainant and has misappropriated substantial amount(s) belonging to the firm of the complainant by transferring the funds into his own personal bank account and by diverting cheques meant for official payments. In the considered opinion of this Court, such allegations, if proved, clearly attract the ingredients of criminal breach of trust and cheating. The petitioner has now seeks the concession of anticipatory bail primarily on the ground that the matter has been compromised between the parties and a petition for quashing of the FIR on the basis of compromise has been filed before this Court. However, the existence of a compromise between the parties cannot, by itself, be a ground to overlook the conduct of the petitioner who has consciously chosen to evade the judicial process for 08 years together. The relief under Section 482/BNSS/438 Cr.P.C. is an extraordinary remedy which is granted only in appropriate cases where the Court is satisfied that the accused has approached the Court with clean hands and has not abused the process of law. However, in the present case, the petitioner remained absent from the proceedings before the Court below for a substantial period of time. Even after the issuance of proclamation, the petitioner has not submitted himself to the process of law. The hiatus of more than 08 years since the registration of the FIR, coupled with the conduct of the petitioner in evading the process of law, disentitles him from seeking the discretionary relief of anticipatory bail. It is apt to mention herein that the petitioner is stated to be



involved in other cases of similar nature registered at different places which weigh heavily against the grant of anticipatory bail to the petitioner.

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

Indubitably, the first petition was dismissed as withdrawn on 06.03.2018 and the instant petition has been preferred after a gap of more than 08 years i.e. 12.03.2026. It is evident that the petitioner has deliberately evaded the process of law for over 08 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. 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 08 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. 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. 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 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 ₹20,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Gurdaspur within four weeks from today. In case such costs are deposited; CJM, Gurdaspur 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, Gurdaspur is directed to intimate the Deputy Commissioner, Gurdaspur who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization



thereof, the Deputy Commissioner, Gurdaspur shall have the same submitted to CJM, Gurdaspur, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Gurdaspur as also Deputy Commissioner, Gurdaspur to this Court accordingly.

(iii) Registry is directed to transmit a copy of this judgment to CJM, Gurdaspur as also Deputy Commissioner, Gurdaspur 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 13, 2026  
*Ajay*

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