



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

**CRM-M-17489-2026 (O&M)
Date of Decision: 01.04.2026**

MANJIT SINGH **...Petitioner**

V/S

STATE OF PUNJAB AND ANOTHER **...Respondents**

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Vipin Mahajan, Sr. Advocate
with Mr. Utkrant Mahajan, Advocate for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

Ms. Tejinder Kaur, Advocate
for respondent No. 2.

SHALINI SINGH NAGPAL J. (Oral)

1. Petitioner seeks anticipatory bail in case arising out of FIR No. 137 dated 29.11.2025 under Sections 376, 506 Indian Penal Code, Police Station Ghanie Ke Banger, Police District Batala District Gurdaspur. This is the second petition for anticipatory bail. First petition for anticipatory bail was dismissed by this Court vide order dated 23.02.2026.

2. Case was registered on statement of prosecutrix who alleged that she was a householder and had three children, two sons and one daughter. Her husband Sukhwinder Singh was working as driver of Manjit Singh due to which they were on visiting terms. She further stated that on 15.05.2024, she went to the house of Manjit Singh to meet her husband for some domestic work, but her husband was in the fields. Manjit Singh caught hold of her arm and took her to a room, where he forcibly committed rape without her consent. He also disclosed that he

made her video while committing rape and threatened her to make it viral in case, she did not meet him again.

3. Learned counsel for the petitioner submits that prosecutrix was 45 years old married woman, having three children. One of her sons was serving in the Indian Army, second son was working in Dubai and third son was married. Petitioner was 33 years of age and had been falsely implicated. There was one and half years delay in lodging of the FIR. In fact, it was a clear case of false implication. Husband of the complainant, who worked with the petitioner, had taken advance, which he failed to return. The FIR was lodged when petitioner demanded his money back. After dismissal of the first petition for anticipatory bail, the matter was settled between the parties and a compromise has been arrived at. A separate petition seeking quashing of the FIR on the basis of compromise had already been filed by the petitioner. Thus, a fresh ground has arisen to support the second application for anticipatory bail. Referring to judgments of Hon'ble Supreme Court in ***Madhukar and Others Vs. The State of Maharashtra and Another 2025 INSC 819***, ***Kapil Gupta Vs. State of NCT of Delhi and Another 2022(4) RCR (Criminal) 497*** and of this Court in CRM-M-70538-2025 titled as ***Hardial Singh @ Hardyal Singh Vs. State of Punjab and Another*** decided on 16.03.2026, he submits that even in an offence under Section 376 IPC, quashing of the proceedings on the basis of compromise between the parties was permissible.

4. Learned State counsel appears on advance notice and submits that after dismissal of the first petition for anticipatory bail, the second

petition was not maintainable on the basis of compromise in an offence as serious as one under Section 376 IPC.

5. Learned counsel for the complainant submits that complainant has no objection, in case petitioner is enlarged on anticipatory bail.

6. A Co-ordinate Bench of this Court in ***Bhisham Singh Vs. State of Haryana 2024(3) RCR (Criminal) 65*** has laid down following principles governing exercise of judicial discretion while dealing with the second/successive application(s) for anticipatory bail:

“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 alleged compromise with the complainant cannot be regarded as a circumstance, substantial enough to maintain and allow a subsequent petition for anticipatory bail after dismissal of the first petition on merits.
8. Hence, the petition is dismissed.
9. Pending CRM(s), if any, are also disposed of accordingly.

01.04.2026
Ajay Goswami

(SHALINI SINGH NAGPAL)
JUDGE

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