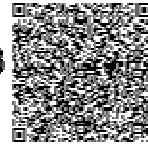


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2026:PHHC:053923



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18840-2026

Pallvi

....Petitioner

versus

State of Punjab

....Respondent

Date of Decision: April 08, 2026

Date of Uploading: April 08, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Naveen Batra, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition is the second attempt under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail to the petitioner, in case bearing FIR No.83 dated 24.06.2025, registered for the offences punishable under Sections 318(4), 61(2) of the BNS, 2023 (Sections 420, 120-B of IPC) and Section 13 of the Punjab Travel Professional (Regulation) Act, 2014, at Police Station Kathu Nangal, Amritsar Rural, District Amritsar.

2. The petitioner had earlier applied for grant of anticipatory bail in the FIR in question, before this Court, which came to be dismissed as withdrawn on 08.10.2025.

3. The gravamen of the allegations against the petitioner is that the complainant, Inderpal Singh, stated that he was introduced to the petitioner

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through his son-in-law, namely, Vikas, who informed him that his friend – Pargat had also applied for travel to Dubai through the petitioner. The petitioner, who is stated to be working at an immigration office located at Bittu Trade Centre, Behrampur, near Dodwa, introduced the complainant, his son – Jit Pal, and his son-in – law Vikas to a travel agent, namely, Ranjit Singh. At the instance of the petitioner, they met Ranjit Singh at his cloth showroom in Mukerian.

It was agreed that a sum of ₹44 lakhs would be paid for facilitating Jit Pal's travel to America, out of which ₹15 lakhs was to be paid upfront and the remaining ₹29 lakhs after crossing the Mexico border. It is further alleged that, as per the directions of co-accused Ranjit Singh, the complainant initially transferred ₹1,00,000/- online into the bank account of the petitioner's brother, namely, Sourav Sahota. Thereafter, the complainant paid various amounts to co-accused Ranjit Singh on different dates. Subsequently, Jit Pal Singh was sent to Gohana. However, Ranjit Singh later began demanding additional money from the complainant on the pretext that further payment was required by agents ("*donkers*") to facilitate Jit Pal's entry into America by crossing the Mexican border. Although the complainant continued to make payments as demanded, his son was not sent to America. The complainant last spoke to his son on 21.12.2024, and since then, he has neither received any communication from him nor has any knowledge of his whereabouts.

4. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has argued that the complainant and the petitioner are known to each other, and the

alleged payment of Rs.1 lakh had been transferred on the same day into the account of co-accused Ranjit Singh. Learned counsel has further argued that except the aforesaid transaction, there is no other allegation against the petitioner and, thus, the petitioner has nothing to do with the offence in question. Learned counsel has argued that the petitioner was merely an employee working in the Immigration office in question. Learned counsel has further submitted that there not even any agreement between the complainant and the petitioner to send son of the complaint abroad. Learned counsel has submitted that now the challan has been presented *qua* co-accused, namely, Joginder Lal.

4.1. Learned counsel has argued that nothing is to be recovered from the petitioner. Learned counsel has further iterated that the petitioner is ready and willing to join investigation, and no purpose would be served by keeping the petitioner behind bars. On the basis of the aforementioned submissions, grant of the instant petition is prayed for.

5. On the other hand, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that allegations raised against the petitioner are serious in nature. Learned State counsel has stated that the petitioner and her co-accused have defrauded the complainant to a substantial amount on the pretext of sending his son abroad, but the needful was not done. Learned State counsel has further submitted that on the asking of the petitioner, the complainant had transferred an amount of Rs.1,00,000/- in the account of brother of the petitioner. Learned State counsel has further submitted that, investigation, in the present case, is still under way and the petitioner is yet to be arrested. In case, the petitioner is released on anticipatory bail, there is all

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likelihood that she may interfere with the prosecution evidence/ witnesses.

Learned State counsel has submitted that challan, in the present case, has been presented in respect of co-accused, namely, Joginder Lal. Given these circumstances, custodial interrogation of the petitioner is indispensable. It is therefore, submitted that the present petition is devoid of merit and is liable to be dismissed.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. 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.”

8. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been leveled against the petitioner. As per prosecution case and upon perusal of the impugned order, it is borne out that serious allegations have been levelled against the petitioner. The petitioner actively played a pivotal role in inducing the complainant to part with substantial amounts of money on the false promise of sending his son abroad. The involvement of the petitioner is *prima facie* evident from the transfer of money into the account of her own brother, that too upon her asking only, and her continuous association with the co-accused in the alleged offence. Further, co-accused of the petitioner demanded more money to do the needful.

8.1. The challan has been presented *qua* co-accused of the petitioner, namely, Joginder Lal.

8.2. Furthermore, the investigation is still at a crucial stage, and custodial interrogation of the petitioner is considered necessary to unearth the complete facts and to ascertain involvement of any other persons connected with the case. The petitioner is yet to be arrested and grant of anticipatory bail, at this stage, may prejudice the ongoing investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses also appears to be not without basis. Given the seriousness of the offence, the stage of investigation and possibility of tampering with evidence or obstructing justice, this Court is of the view that the petitioner does not deserve the concession of bail at this juncture.

9. It is befitting to mention here that while considering plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). 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. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Supreme Court held as under, relevant whereof reads as under:

“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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

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 establish a reasonable basis for accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

10. That apart, indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as withdrawn by this Court on 08.10.2025. It is well settled that a second anticipatory bail petition seeking

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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 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 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.

11. It is evident that the last plea for grant of anticipatory bail to the petitioner was dismissed as withdrawn on 08.10.2025, and the petition in hand has been filed on or around 12.04.2026. 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. Therefore, the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles the petitioner 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.

12. There is another aspect *namely* 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.

12.1 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 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.

13. 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 ₹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 the District Legal Services Authority, Gurdaspur. 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 The District Legal Services Authority, Gurdaspur. A compliance report be sent by CJM, Gurdaspur as also Deputy Commissioner, Gurdaspur to this Court, accordingly.
- (ii) Registry is directed to transmit a copy of this judgment to CJM, Gurdaspur as also Deputy Commissioner, Gurdaspur for requisite compliance.
- (iii) 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.
- (iv) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 08, 2026
mahavir

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