



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CRM-M-22231-2026
Date of decision: 23.04.2026

HARSH BISLAPetitioner

VERSUS

STATE OF HARYANARespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Shikhar Goel, Advocate
for the petitioner.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition that has been filed under Section 482 of the BNSS, 2023, for the grant of pre-arrest bail to the petitioner in case bearing FIR No.99 dated 08.02.2024, registered under Sections 302, 506 & 34 of the Indian Penal Code, 1860 (Sections 120-B, 109 and 114 of the IPC added later on) and 25 of the Arms Act at Police Station Sector-58, Faridabad.

2. The FIR in the present case has been registered on the statement of Netrpal son of Arjun Singh, which reads thus:-

“On 07.02.2024 at 6:47 PM, I received a call from Manish S/o Khushiram, resident of Village Jharsently, Mobile No. 9953670405, who spoke in a panicked voice and said that

“your brother Inderjit has been attacked with knives by Nitesh and Mohit along with their accomplices at my shop”. I immediately reached Manish's shop, and upon reaching there, I saw that Nitesh S/o Shyam and Mohit S/o Kuldeep, along with 2-3 other accomplices, were repeatedly stabbing Inderjit with knives. I shouted and tried to save my brother, but they pushed me and threatened to kill me as well. They fled the scene, leaving Inderjit seriously injured and covered in blood. I immediately took help from the people present there and placed my brother in my Creta car and took him to Pawan Hospital. On the way, my brother, Inderjit, told me that Mohit, Nitesh, and their accomplices had attacked him with knives. Seeing his critical condition, the staff at Pawan Hospital advised me to take him to B.K. Hospital. I then took him to the B.K. hospital, where the doctors declared him dead. You are requested to take the strictest legal action against the accused persons. Sd/- Netrpal Mobile: 9718366600 Netrpal S/o Sh. Arjun Singh R/o Jharsently Police Action: Today, a message was received at this police station from the Police Control Room that Inderjit S/o Arjun R/o Village Jharsently has been admitted at BK Hospital due to an assault. For action, I (PSI), along with Constable Ajay 1057 and Constable Anil 824, went to BK Hospital, where, upon inquiry, it was found that the injured Inderjit had died. The "Brought Dead" slip of deceased Inderjit was received there. His body was kept in the mortuary. I (PSI) took photos of the body with my mobile phone. At the mortuary, the deceased's brother Netrpal and legal heirs were present. They were informed about the situation and were asked to submit a complaint. They stated they would come to the police station and give the written complaint. The senior officers were informed about the situation, and the MHC (Moharrir Head Constable) of the police station was informed to secure the scene of crime. After that, I (PSI) along with the staff returned to the police station. Later, the deceased's brother Netrpal and his family members arrived at the station and submitted the

above-written application to me (PSI). From the contents of the complaint, offences under Sections 302, 34, 506 IPC and 25/54/59 Arms Act were found to be made out, and the complaint was handed over to the MHC of the police station for registering the FIR. The Scene of Crime Team was also informed separately to visit the spot. Thereafter, I (PSI), along with the staff and the family members of the deceased, departed for the spot of the incident.

3. Learned Counsel appearing on behalf of the petitioner has been confronted with the maintainability of the second petition for grant of anticipatory bail more so when the earlier petition for grant of anticipatory bail had been withdrawn after the matter being argued at length and concession was extended to him to the effect that in the event of the petitioner surrendering before the concerned Court within a period of two weeks from the said date, the regular bail application of the petitioner shall be decided expeditiously, in accordance with law.

4. Learned Counsel for the petitioner vehemently contends that his earlier petition for anticipatory bail was not decided on merits, hence, he has filed a second petition for anticipatory bail afresh. He further contends that in the interregnum, certain co-accused have also been arrested and enlarged on bail; hence, there is a material change of circumstances. So far as the aspect of whether the earlier petition would be deemed to have been dismissed and the said order would operate as a bar against him or not is concerned, the dismissal is referred to in the said order dated 15.07.2025, passed in CRM-M-32115 of 2025. The same reads thus:-

After arguing at length, learned counsel for the petitioner wishes to withdraw the present petition.

Dismissed as withdrawn.

In case, the petitioner surrenders within a period of 02 weeks from today, his bail application shall be decided by the concerned Court, expeditiously, in accordance with law.

5. It is evident from perusal of the said order that the matter had been argued at length, and seemingly, when the Court was not inclined to extend the concession/indulgence of anticipatory bail, Counsel for the petitioner chose to withdraw the petition for anticipatory bail and, in all probability, to avoid any adverse order being passed against his arguments. The said decision was thus a conscious decision, and the said withdrawal would not *ipso facto* mean that there was no application of mind or that it was merely a technical withdrawal, where the matter had been heard on its own merits. Seemingly, the petitioner is making an attempt at forum shopping. The only thing that has primarily changed is the roster and the counsel, and not the merits.

6. So far as the second argument of Counsel for the petitioner that certain co-accused have been arrested and granted regular bail is concerned, he has been confronted with a Division Bench judgment of this Court in **CRM-M-40916-2022** titled as ***“Manjinder Kaur versus State of Punjab”*** decided on **30.01.2023** wherein it was specifically held that a mere fact that some co-accused or main accused had been arrested and being subsequently granted bail would not be deemed as a material change in the circumstances and would not create any fresh ground for seeking anticipatory bail. The relevant extract thereof reads thus:

“12. We have already held that second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. Further qua the anticipatory bail application, it can be said that

once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of co-accused or main accused or bail granted to co-accused, different considerations, some more details, new documents or illness of the accused. It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court. However, the second/subsequent bail application under Section 438 Cr.P.C. would be maintainable only if there is substantial material and substantive change in the fact situation and circumstances of the case due to subsequent events or in law.

7. At this juncture, Counsel for the petitioner contends that the Advocate had not been instructed to withdraw the petition. I am afraid that such an argument is grossly misconceived for the following reasons:-

i) The power of attorney specifically authorizes the counsel to take all steps, including withdrawing a petition; hence, the power was duly conferred upon the Advocate, as an agent of the client, to take an appropriate decision in the circumstances of the case.

ii) Counsel for the petitioner has not referred to the Power of Attorney executed by the petitioner in favour of the Counsel therein, where no such authorization was given. Further, he has been confronted with the question of whether there was a specific instruction to withdraw or not. He has also been confronted with the fact that when the previous counsel chose to withdraw the petition, as to whether any complaint for misconduct was submitted to the Bar Council of Punjab & Haryana against the decision

taken by the Advocate, counsel for the petitioner contends that no such action has been taken.

8. Under the circumstances, the aforesaid argument is thus being spun out only to cast aspersions on a decision taken by the Counsel representing the petitioner earlier. Such an argument on the part of the subsequent advocate is grossly inappropriate. Consequently, the present petition is an attempt at forum shopping, and the conduct of the petitioner is deprecated. The present petition is accordingly **dismissed** with a cost of Rs. 25,000/- to be deposited with the **“DHFWS SKS USERFEES CS OFFICE, PKL, Account No. 50100189689492, HDFC0004832, HDFC Bank, Sector-6, Panchkula”**, within a period of one month of receipt of a certified copy of this order.

APRIL 23, 2026
Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No