

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:075829



CRM-M-25534-2026 (O&M).
Date of decision: 14.05.2026.

GHANSHYAM JAISWAL

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. Sandeep Kumar, Advocate, for
Mr. Bhavnish Kumar Wadhwa, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the **second** petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of pre-arrest bail to the petitioner in case bearing FIR No.315 dated 17.12.2025, under Section(s) 318(4), 336(2), 336(3), 338 and 340(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sohana, District S.A.S. Nagar. The first petition seeking grant of pre-arrest bail by the petitioner was dismissed by this Court vide order dated 23.04.2026 passed by this Court in CRM-M-19115-2026.

Learned counsel appearing on behalf of the petitioner(s) has been

asked to detail change of circumstances for which a second petition seeking grant of pre-arrest bail would be maintainable. He is not in a position to refer to any changed circumstances after dismissal of the first petition seeking grant of pre-arrest bail filed by the petitioner on the basis whereof a successive petition seeking grant of pre-arrest bail would be maintainable.

The Division bench of this Court in the matter of **Manjinder Kaur Vs State of Punjab, bearing No.CRM-M-40916-2022 decided on 30.01.2023** decided along with a batch of petitions, has held that once the first bail application has been withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic changes in circumstances have occurred. This Court in the matter of **Kuldeep Randhawa Vs. State of Punjab, bearing case No.CRM-M-46006-2025**, while relying on the judgment in Manjinder Kaur (supra) held as follows: -

“10. So much so, even the Division Bench judgment of this Court in Manjinder Kaur (supra), relied upon by the petitioner himself, carves out the very same principle and the same had been relied by the learned Single Bench. It has been clearly and unequivocally held therein that developments such as the arrest of a co-accused or the main accused, or the grant of bail to any co-accused, do not constitute a “changed circumstance” so as to render a second petition for anticipatory bail maintainable. The relevant extract of the judgment of Division Bench in the matter of Manjinder Kaur (supra) 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 CrPC 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.”

(Emphasis supplied)

11. Even though, ordinarily an argument would have been available to the petitioner to contend that the earlier petition was a mere simplicitor withdrawal and therefore would not operate as a bar, in view of the judgment of the Hon'ble Supreme Court in Rani Dudeja v. State of Haryana, (2017) 13 SCC 555, and the merits ought to be considered, however, a perusal of the order dated 19.03.2025 passed in the earlier bail petition clearly shows that it was not a case of simplicitor withdrawal at the very outset and without consideration on merits, rather, the matter was heard at considerable length, and only when the Court appeared disinclined to grant the relief sought, the petitioner chose to withdraw the petition. The withdrawal was thus not under a situation where merit has not been considered at all or was not even technical in nature. It was also not accompanied by any request or liberty to file a fresh petition. Having taken a considered chance of seeking a judicial adjudication on merits, and thereafter withdrawing the

petition to avoid an adverse order, the petitioner cannot now claim the benefit of treating such withdrawal as a simplicitor withdrawal so as to reopen the matter on merits through a successive second anticipatory bail petition.”

I find that the present petition is an abuse of the process of law and filing of unnecessary litigation, without there being any material change in the circumstances, would simply clog the system. Consequently, the present petition is dismissed with a cost of ₹10,000/- for making mischievous attempts to secure a particular order without any change in the material circumstances. Let the cost of ₹10,000/- be deposited with the Punjab and Haryana High Court Bar Association Lawyer’s Family Welfare Fund, Chandigarh.

May 14, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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