

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

2026.PHHC.072022



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CRM-M-25854-2026

Manpreet Singh

....Petitioner

V/s

State of Punjab

....Respondent

Date of decision: 08.05.2026

Date of Uploading : 08.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Bhavyadeep Walia, Advocate, for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

Mr. G.S. Dhillon, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present second petition has been filed 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.01 dated 10.01.2026, registered for the offences punishable under Sections 318(4), 336(2), 336(3), 338, 340, 61(2) of BNS, 2023 at Police Station NRI, District SAS Nagar.

. The first petition bearing CRM-M-5173-2026 (Annexure P-2) for grant of pre-arrest/anticipatory bail filed before this Court was dismissed on merits thereof on 27.04.2026. The present petition is the second petition for grant of anticipatory/pre-arrest bail which has been preferred by the petitioner on 04.05.2026.

2. The present FIR has been registered on the basis of a complaint submitted by the complainant, namely Jaskirat Singh Tiwana, an NRI and the son of Harwinder Singh, who is stated to be the owner of the property in question. As per the allegations, Harwinder Singh had agreed to sell the land to co-accused Kuldeep Singh and, in furtherance thereof, an agreement to sell dated 22.11.2024 was allegedly executed, pursuant to which a substantial amount is stated to have been paid as earnest money in different instalments. It has been alleged by the complainant that the said agreement to sell is forged and fabricated and has been created as part of a conspiracy to illegally grab the property of his father. It has been further alleged that the accused persons, in connivance with each other, dishonestly induced his father to executing the said agreement and thereafter initiated civil proceedings for specific performance. The complainant has further alleged that Manpreet Singh (petitioner herein) played an active and significant role in the entire transaction. It has been specifically alleged that the petitioner introduced the father of the complainant to the co-accused and facilitated the execution of the alleged agreement. It has been further alleged that the petitioner, in conspiracy with the co-accused, prepared a forged and fabricated agreement to sell in respect of the aforesaid land. Neither the complainant nor his father had ever executed any such agreement and the same is alleged to be false and fabricated with the sole intention to grab the property in question. On the basis of the aforesaid allegations, the present FIR came to be registered and investigation was set into motion.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of personal vendetta and longstanding civil disputes between the families of the parties.

Learned counsel has further iterated that the genesis of the dispute is purely

civil in nature, arising out of an agreement to sell allegedly executed between co-accused namely Kuldeep Singh and the father of the complainant with which the petitioner has no concern whatsoever. It has been further contended that the petitioner is neither a party nor a witness to the said agreement to sell and no role has been attributed to him in the execution of the document. According to learned counsel, the allegations levelled in the FIR are vague and omnibus insofar as the petitioner is concerned. It has been further contended that even prior to the registration of the FIR in question, a civil suit for specific performance has already been instituted by the co-accused against the father of the complainant which clearly reflects that the dispute pertains to enforcement of contractual rights and has been given a criminal colour only to pressurize the accused persons.

Furthermore, the complainant, being the son of the alleged executants of the agreement, is neither a party to the agreement nor directly aggrieved, and thus lacks *locus standi* to initiate the present criminal proceedings. Learned senior counsel has emphasized that the petitioner is a government school teacher, having fixed place of abode and clean antecedents & there is no likelihood of his absconding or evading the process of law. A bare reading of the FIR discloses that no *prima facie* case is made out against the petitioner and his name has been roped in the FIR without any cogent basis.

3.1. Learned counsel asserts that the custodial interrogation should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Learned counsel has argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served

by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the allegations levelled in the FIR are serious and grave in nature which involves a well-planned conspiracy to defraud and grab the property of the father of the complainant by way of a forged and fabricated agreement to sell. According to learned State counsel, the petitioner has played a crucial role in introducing the father of the complainant to the co-accused. Furthermore, the material collected during the course of investigation *prima facie* indicates his deep involvement in the offence and his complicity in facilitating the alleged transaction. It has been further contended that the investigation is still at a nascent stage and the custodial interrogation of the petitioner is necessary to unearth the larger conspiracy and ascertain the involvement of other persons. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

4.1. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner by raising submission in tandem with the learned State counsel.

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 case put forth in the FIR in question, the allegations against the petitioner are grave and specific. The complainant has alleged that the accused persons hatched a conspiracy to usurp the property of his father by preparing a forged and fabricated agreement to sell.

As per the allegations levelled in the FIR, the petitioner is attributed an active

and facilitative role in the transaction in question. It is alleged that the petitioner introduced the father of the complainant to co-accused Kuldeep Singh and facilitated the development of trust between them. Furthermore, the petitioner is stated to have assisted in the execution of the agreement to sell dated 22.11.2024, which is alleged to be forged and fabricated. The stand of the investigating agency is that the petitioner acted in connivance with the co-accused and formed part of a larger conspiracy aimed at illegally grabbing the property of the complainant's father. The allegations, thus, *prima facie* indicate the petitioner's active involvement in the alleged conspiracy culminating in the registration of the present FIR.

8. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed by this Court on 27.04.2026. It is well settled that a second/third anticipatory bail petition seeking 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 petitions were withdrawn and dismissed. 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 limited 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 or dismissal of the earlier anticipatory bail petitions. Accordingly, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Furthermore, it is

January 2026, the petitioner has failed to join the investigation and has remained absconding for a considerable period of about 5 months. 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.

8.1 It is evident that the petitioner has deliberately evaded the process of law for about 5 months after the registration of the FIR. 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 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. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed

- (ii) 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.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

May 08, 2026
Naveen

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