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

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Joban Singh @ Jobanjit Singh

...Petitioner

V/s

State of Punjab

...Respondent

Date of decision: 13.05.2026**Date of Uploading : 13.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate for the petitioner.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt 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.109 dated 16.06.2025, registered for the offences punishable under Sections 109, 190, 191 of BNS, 2023 and Section 25, 27, 54, 59 of the Arms Act at Police Station Sadar Patti, District Tarn Taran.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 25.02.2026. The relevant part of said order reads as under:-

"2. Learned counsel for the petitioner seeks to withdraw the petition in hand. He further submits that the petitioner shall surrender before the concerned Court within a period of 01 week from today, and in case, he does so and prefers plea for regular bail, the same be decided within a period of 01 week from today, and in case, he does so and prefers plea for regular bail, the same be decided within a period of 01 week from the date of filing of such plea.



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3. *Ordered accordingly.*
4. *Pending application(s), if any, shall also stand disposed of."*

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 05/11.05.2026.

2. The gravamen of the allegations, as emanating from the FIR, are that the instant FIR came to be registered on the statement of complainant Sukhdev Singh son of Kashmir Singh, who alleged that Veer Kaur wife of Late Satnam Singh @ Satta is the daughter-in-law of his maternal aunt (Massi) and resides alongwith her daughter Billa @ Sonia. It has been further alleged that her father Bakshish Singh and brother Ranjit Singh frequently visited her house and used to provoke her against the complainant side. Due to this, Veer Kaur often quarreled with the wife of the complainant namely Baljit Kaur and accused her of practicing witchcraft. It was further alleged that Veer Kaur suspected that Baljit Kaur had taken out the bones of her deceased brother-in-law Kulwant Singh @ Judge from the grave and used the same for witchcraft, due to which illness had spread in their family. As per the allegations, on 15.06.2025 at about 10:00 PM, while the complainant and his family members were having dinner, Veer Kaur @ Veero alongwith the present petitioner Joban Singh, armed with a brick, Billa son of unknown, armed with a pistol, Manpreet Singh son of Swaran Singh armed with a baseball bat, Arshdeep Singh son of Swaran Singh armed with a wooden stick and 6-7 unknown persons, one of whom was armed with a country-made 12 bore pistol, came to the house of the complainant and started thumping the main gate. When the complainant came outside, Veer Kaur allegedly raised a *lalkara* exhorting

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the assailants to teach the complainant party a lesson for performing witchcraft whereupon Billa @ Sonia allegedly pushed the complainant to the ground and all the assailants started assaulting him. It has been further alleged that upon hearing the commotion, other family members of the complainant came outside whereafter accused Billa fired a shot from his pistol which hit Kirandeep Kaur on the right side of her chest. It has been further alleged that one unknown assailant fired from a country-made pistol with an intention to kill and the pellet struck Shamsher Singh son of Gurbachan Singh on his head. Accused Manpreet Singh allegedly attacked the injured persons with a baseball bat whereas accused Arshdeep Singh inflicted blows with a wooden stick. The specific allegation against the present petitioner is that he inflicted a brick blow on the head of Janga Singh son of Thakur Singh. On raising the alarm, all the accused persons allegedly fled away from the spot alongwith their respective weapons in an Innova vehicle bearing registration No. HR-69A-0260. On these set of allegations, the present FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question on account of previous family dispute and personal vendetta between the parties. Learned counsel has further iterated that the petitioner has no concern with the alleged occurrence and has been nominated in the present case only on account of his relationship with the co-accused Veer Kaur. As per the allegations levelled in the FIR, the only role attributed to the petitioner is that he allegedly caused a brick blow to Janga Singh and no other overt act has been attributed to him. According to learned counsel, the injury

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attributed to the petitioner is simple in nature and, therefore, the ingredients of the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita are not attracted *qua* the petitioner. Learned counsel has emphasized that the similarly situated co-accused namely Ranjit Singh and Bakshish Singh have already been granted the concession of regular bail by the Court below vide order dated 10.07.2025 (Annexure P-2) whereas co-accused Veer Kaur and Billa @ Sonia have been granted the concession of regular bail by this Court vide order dated 27.10.2025 (Annexure P-3) and, therefore, the petitioner also deserves the concession of anticipatory bail on the ground of parity. It has been further contended that there is an unexplained delay of one day in registration of the FIR inasmuch as the alleged occurrence took place on 15.06.2025 whereas the FIR came to be lodged on 16.06.2025, which makes the prosecution story doubtful. Furthermore, the petitioner has never been involved in any other criminal case and has never been declared a proclaimed offender. It has been further contended that the custodial interrogation of the petitioner is not required as no recovery remains to be effected from him and he is ready and willing to join investigation as and when required by the Investigating Agency. Moreover, the petitioner undertakes not to tamper with the prosecution evidence or influence any witness and shall abide by all the condition(s) imposed by this Court in case he is enlarged on bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. I have heard the learned counsel for the petitioner and have gone through the available record of the case.



5. 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.”



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6. 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 version of the prosecution, the occurrence took place on 15.06.2025 at about 10:00 PM when co-accused namely Veer Kaur along with the present petitioner and other co-accused persons, armed with various weapons including pistols, baseball bat, wooden sticks and brick, reached the house of the complainant and started thumping the main gate. When the complainant came out of his house, a *lalkara* was raised whereinafter the accused persons, including the petitioner (herein), allegedly assaulted the complainant party. In the alleged occurrence, firearm injuries have been caused to Kirandeep Kaur and Shamsher Singh, while the present petitioner, namely Jobanpreet Singh, allegedly inflicted a brick blow on the head of Janga Singh. The allegations reflects that the accused persons formed an unlawful assembly and arrived at the spot armed with deadly weapons and the role attributed to the petitioner is specific and direct. The plea of the petitioner that the injury attributed to him is simple in nature cannot, by itself, dilute the seriousness of the allegations at this stage particularly when the occurrence pertains to a collective assault wherein firearm injuries were also inflicted upon other injured persons. Furthermore, the grant of regular bail to co-accused also does not advance the case of the petitioner. The order passed by the Court below granting regular bail to co-accused Ranjit Singh and Bakshish Singh specifically records that the said accused were not attributed any overt act and one of them i.e. bakhshish Singh was stated to be 79 years old whereas the other i.e. Ranjit Singh was 40% handicapped. Similarly, co-accused



Veer Kaur and Billa @ Sonia have been granted the concession of regular bail by this Court and not the concession of pre-arrest bail. The case of the present petitioner, thus, stands on a different footing, particularly when he has been specifically named in the FIR with a specific role in the occurrence. Moreover, the Court below, while dismissing the anticipatory bail application of the petitioner, has observed that the petitioner has allegedly caused injury on the head of the injured and, thus, the custodial interrogation may be necessary for ascertaining the identity of the unknown assailants involved in the occurrence.

7. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as withdrawn by this Court on 25.02.2026 and it was directed that in case petitioner surrenders before the concerned Court, his plea for regular bail shall be decided within a period of 01 week thereafter. It is apt to mention herein that petitioner has not submitted to the process of law till date. It is well settled that a second 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 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 limited role attributed to the petitioner, this Court finds that the present petition suffers



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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.

8. Furthermore, the first petition was dismissed as withdrawn on 25.02.2026 and the instant petition has been preferred after a gap of more than 2½ months i.e. 05/11.05.2026. It is evident that the petitioner has deliberately evaded the process of law for over 2½ months. 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. The hiatus of more than 2½ months on part of the petitioner (herein) is inexplicable *nay* contumacious. 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. There is another aspect *nay* 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.

9.1 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 of is invited to re-evaluate the same



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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.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed. Consequently, the present petition is dismissed with costs of ₹10,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Tarn Taran within four weeks from today. In case such



costs are deposited; CJM, Tarn Taran shall have the same remitted to Punjab State Legal Services Authority, Mohali. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Tarn Taran is directed to intimate the Deputy Commissioner, Tarn Taran who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Tarn Taran shall have the same submitted to CJM, Tarn Taran, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Tarn Taran as also Deputy Commissioner, Tarn Taran to this Court accordingly.

- (ii) Registry is directed to transmit a copy of this judgment to CJM, Tarn Taran as also Deputy Commissioner, Tarn Taran 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 of.

(SUMEET GOEL)
JUDGE

May 13, 2026
Ajay

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