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**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

CRM-M-28357-2026

Date of decision: 19.05.2026

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Paramdeep Singh Lotey @ Mandeep Singh Lotey @ Vicky Lotey

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Varinder S. Rana, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed 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.0138 dated 08.08.2025, registered for the offences punishable under Sections 316(2), 318(4), 338, 336(3), 340(2), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), registered at Police Station Dugri, District Ludhiana.

The first petition bearing CRM-M-56474-2025 (Annexure P-4) for grant of pre-arrest/anticipatory bail filed before this Court was dismissed on merits thereof on 06.10.2025. 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 gravamen of the FIR in question is that complainant, namely, Shubham alleged that he had purchased a vehicle make Mahindra XUV bearing No.PB-10-HE-2054 for a sum of Rs.5.50 lakhs and had also transferred a sum of Rs.30,000/- in accounts of the petitioner and co-accused,

namely, Kuldeep Singh, but the petitioner handed over to him a forged registration certificate bearing his address, but depicting the name of someone else. Thereafter, on 09.09.2024, both the accused had taken the car of complainant, but did not return it. As per the prosecution case, the aforesaid car, was, in fact, owned by one Prabhjot Singh who had sold it to Amanpreet Singh for a sum of Rs.90,000/- along with liability to pay the pending installments on the car. However, the petitioner in connivance with the co-accused, namely, Kuldeep Singh prepared forged documents, including affidavit of owner, Prabhjot Singh, a clearance certificate issued by the bank and the registration certificate. The original owner Prabhjot Singh had also moved a separate application to police, in this regard. Upon these set of allegations, the instant FIR came to be registered.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and he has no connection with the alleged offence. It is also submitted that the petitioner is not involved in any other criminal case, and there is no likelihood of his absconding or tampering with the prosecution evidence. On this premise, learned counsel has argued that the instant second petition is maintainable and deserves fresh consideration. It has been further contended that there is no need for custodial interrogation of the petitioner as nothing is to be recovered from him. Furthermore, the petitioner is ready to join investigation and shall abide by all the terms and conditions that may be imposed by this Court. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the first petition was dismissed on merits thereof on 06.10.2025. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, while opposing the plea in hand on merits, has iterated that the allegations levelled in the FIR are serious in nature and disclose a *prima facie* case against the petitioner. Furthermore, since the present petition is the second successive anticipatory bail application and is an abuse of the process of law and the same deserves to be dismissed with exemplary costs.

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. As per the version put forth by the prosecution, it emerges that the petitioner, in connivance with his co-accused, namely, Kudeep Singh had forged the documents pertaining to vehicle in question, including the affidavit of one Prabhjot Singh (who is stated to have virtually owned the said vehicle and further, sold it to one Amanpreet Singh); as also clearance certificate issued by the bank; and thereafter, sold it to the complainant. It is further the version of the prosecution that after receiving cash amount of Rs.5.25 lakhs as also an online payment

of Rs.30,000/-, fictitious sale was allegedly made in favour of complainant by the petitioner and his co-accused. The only payment of Rs.30,000/- has allegedly been made into the account of the petitioner. The statement of original owner, namely, Prabhjot Singh along with copy of agreement executed by him in favour of Amanpreet Singh with respect to sale of vehicle in question duly hypothecated with the Mahindra & Mahindra Bank; as also the report of Mahindra & Mahindra Financial Services Ltd. regarding non-closure of the loan account opened in the name of Prabhjot Singh *qua* purchase of vehicle in question and further non-issuance of NOC by the said company is also on record to *prima facie* substantiate the guilt of the petitioner in committing the offence in question.

Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause nay plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

8. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed by this Court on 06.10.2025. 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 borne out from the record that despite the registration of the FIR in August, 2025, the petitioner has failed to join the investigation and has remained absconding for a considerable period of more than 9 months. The stand of the investigating agency before this Court is that repeated coercive measures, including issuance of non-bailable warrants and initiation of proclamation proceedings, have been undertaken to secure his presence but the petitioner has chosen to evade the process of law. There is no substantial change *nay* any change in circumstances which may weigh, in favour of entertaining the instant third 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 over 9 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, disentitles 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 19, 2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No