

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

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CRM-M-45744-2025

Date of decision: 18.02.2026

xxxxx (son of Rajan Shub, resident of Nehru Gate, Balmiki Mohalla, Near Police Station City Batala, Tehsil Batala, District Gurdaspur through his natural Guardian, Sonia Shub)

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Mehak Bedi, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

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

AARADHNA SAWHNEY, J (ORAL)

1. By virtue of the instant second petition filed under Section 482 BNSS, petitioner, who claims to be a Juvenile and is involved in case bearing FIR No.022 dated 27.02.2025 registered under Sections 109,126(2),132,221,303(2),190,191(3) of BNS, 2023 (Sections 115(2),118(1),117(3),110 of BNS, 2023 added later on) at P.S City Batala, Police District Batala, has prayed for grant of pre-arrest bail.

2. Before advertng to the facts, it would be appropriate to point out that earlier petition bearing CRM-M-40612-2025 filed by the petitioner seeking similar relief of pre-arrest bail was disposed of by this Court with the following terms:

“1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.22 dated 27.02.2025 under Sections 109,126(2),132,221,303(2),190,191(3) of BNS and Section 27 of Arms Act (Sections 115(2),117(3),118(1) and 110 of BNS added subsequently), registered at Police Station City Batala.

2. Mr. Gagandeep Singh Simble, Advocate has appeared on behalf of the complainant-injured and had filed Power of Attorney along with medico-legal report of the injured complainant, which are



taken on record and vehemently opposed the present petition for grant of anticipatory bail to the petitioner.

3. After arguing the matter for some time, learned counsel for the petitioner prays for withdrawal of the present petition.

4. In view of the statement made by learned counsel for the petitioner, the instant petition is dismissed as withdrawn.”

3. Relevant facts emerging from documents on record be noticed hereinbelow:-

Kamla Bhatti @ Baggi son of Daler Bhatti set criminal law in motion by filing a complaint pointing therein that at about 08.30 PM on 26.02.2025, he was standing in the street, when his friend Rajinder Singh @ Raja and Satinder Pal Singh @ Lucky arrived on their Aactiva. Meanwhile, Rajan Bhatti son of Sukhdev Bhatti armed with ‘Datar’, xxxx (petitioner) armed with ‘Sword’, Martin armed with Datar, Danish Bhatti armed with Datar, Abhi armed with Datar accompanied by 4-5 other unknown persons came from the opposite direction. They stopped the Aactiva of Rajinder Singh. Pardeep Kumar exhorted Rajan Bhatti and others to teach Rajinder Singh etc a lesson for helping their opponents, upon which Rajan Bhatti, xxxx (P) and Lakhu, with an intention to kill unleashed an attack on Rajinder Singh @ Rajan Walia. When Rajan Walia’s brother Lucky came forward to save him, Danish and Abhi also assaulted him with their weapons causing multiple injuries on his (Lucky) person. Both Rajan Walia and Lucky fell down but the assailants did not stop and continued hitting them. During this scuffle, xxxx (P) took Rajan Walia’s licenced pistol from his pocket and brandished the same at him with intention to kill him. Luckily, police officials arrived at the spot and when they moved forward to save Rajan Walia, xxxx (P) fired two bullets, which hit one of the police officials. Thereafter, the assailants sped away along with their weapons and pistol. Complainant also pointed out reason for the assault and added that his wife Geeta, who on a particular day was returning home from Amritsar, had been intentionally hit by xxxx (P), who was on Scooty, as a result of which, she fell down and there was exchange of hot words. Both Rajan Walia and his brother Lucky had come to meet him (complainant) to sort out the aforesaid issue. Towards the end, complainant pointed out that the assailants in furtherance of their common intention unleashed an attack and mercilessly assaulted both Rajan Walia and Lucky. Immediately after the incident, both the injured brothers were rushed to EMC Hospital, Batala where first aid was provided. Due to their



delicate medical condition, they were referred to Amritsar where they are undergoing treatment. On the basis of the said complaint and medicolegal report, aforesaid FIR was registered.

Petitioner-accused moved an application for grant of pre-arrest bail under Section 482 of BNS before learned Addl. Sessions Judge, Gurdaspur. Same was dismissed vide order dated 01.04.2025, aggrieved of which, present petition has been filed.

4. Learned counsel for the petitioner contends that the petitioner, a young innocent boy with clean antecedents, has been falsely implicated in the present case. A bare perusal of the FIR would reveal that it was complainant's friend Rajinder Singh @ Raja Walia, who had arrived at the site armed with a gun. This indicates the intention of complainant party and clearly suggests that they were the aggressors.

It is also the submission of learned counsel that falsity of the case set up by the complainant party is apparent from the fact that one of persons namely Pardeep Kumar, who as per complainant, had allegedly exhorted others to teach Rajan Walia a lesson of his life time was found innocent by Investigating agency. Continuing further, learned counsel contends that relations between the complainant party, petitioner and other accused are far from cordial, present proceedings were initiated only with a view to harass accused party as also to extract illegal monetary benefit from them.

It is further the submission of learned counsel that as per allegations levelled by the complainant both Satinder Singh and Rajinder Singh had suffered serious injuries, however, a bare perusal of MLR of Satinder Singh however, goes to show that in fact he was admitted in the hospital on 26.04.2025 whereas the alleged incident occurred on 26.02.2025. If in fact injured Satinder Singh had suffered multiple 'Grievous' injuries, he would have been immediately rushed to the hospital. The fact that he waited for two months before getting himself examined in the Government hospital suggests that the facts have been twisted and colored version has been portrayed by the complainant.

Learned counsel next contends that as per allegations, petitioner snatched gun from complainant's friend Rajinder Singh and fired shots, one of which hit police personnel. Since the alleged weapon of offence already stands recovered, presence of the petitioner is not required for custodial interrogation.

Prayer for allowing the petitioner has been made.



5. *Per contra*, while opposing the request for grant of bail, learned State counsel accompanied by counsel for the complainant submits that the petitioner, a juvenile was one of the members of unlawful assembly that had unleashed an attack seriously injuring a police official (Narender Singh) as also two of them i.e Rajender Singh and Satinder Singh. In view of the role played by the petitioner, which stands highlighted in the status report, as per learned counsel, no case for taking lenient view in his favour is made out, for though the petitioner assumed at site unarmed but during this scuffle, he snatched Rajan Walia's licenced pistol and brandished the same at complainant with intention to kill them. At that point in time, police officials arrived at the spot and when they moved forward to save Rajan Walia, present petitioner fired two bullets, which hit one of the police officials. In this context, medicolegal report of Narender Singh has also been referred to, which endorses the stand of complainant that police officials suffered gun shot injuries. Learned counsel next contends that initially injured-Satinder Singh was rushed to Amandeep Group of Hospitals, Model Town, GT Road, Amritsar where while preparing the detailed treatment chart, the number and nature of injuries suffered by him (injured Satinder Singh) were also elaborated by the treating Doctor. After first aid was provided, seeing the delicate condition of the injured, he was referred to Government Hospital.

Learned counsel for the complainant also contends that one of the injured, namely, Rajinder Singh was mercilessly beaten to the extent that he had to remain on ventilator and was reduced to a vegetative state, who has not even fully recovered as yet. In the factual scenario of the case in hand, seriousness and magnanimity of the injuries suffered by the injured, role played by the petitioner, it has been prayed that no case for grant of bail is made out. Dismissal of the petition has been prayed for.

6. It is settled that second petition for grant of anticipatory bail can be filed only if there has been substantial change in the circumstances since the dismissal of the first one. In **Babu Singh and others vs. The State of U.P. 1978 AIR (Supreme Court) 527**, the Hon'ble Supreme Court has held as under:-

".....But an order refusing an application for bail does not necessarily preclude another, on a later occasion, giving more materials, further, developments and different considerations. While we surely must set store by this circumstance, we cannot accede to the faint plea that we are, barred from second consideration at a later stage. An interim direction is not a conclusive adjudication, and updated reconsideration is



not over turning an earlier negation. In this view, we entertain the application and evaluate the merits pro and con.”

In **Manjinder Kaur vs. State of Punjab, 2023(3) Law Herald 2080**, this Court held as follows:-

“2. The question, therefore, which requires to be considered and answered is "whether a second anticipatory bail application under Section 438 Cr.P.C. is maintainable when the first one filed by the petitioner has been withdrawn?"

XXXX XXXX XXXX

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. stand 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;

In **G.R. Ananda Babu vs. The State of Tamil Nadu & anr., 2021(1) RCR Criminal) 843**, the Hon’ble Supreme Court has held as under:

“.....The specious reasons of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

7. On a query raised by this Court to learned counsel for petitioner, as to what are the changed circumstances necessitating the filing of second petition, seeking similar relief, learned counsel contends that earlier counsel was not aware of certain facts as also that documents having bearing on the merits of the case, were not in his possession. However, learned counsel could not point out any such document, which was earlier not in possession of accused party and has been



made available to them only now. Thus, learned counsel for petitioner has failed to point out changed circumstances necessitating filing of the present petition.

Facts leading to registration of the case have already been noticed in para 2 of the order. Petitioner was one of the members of unlawful assembly that had gathered with pre-mediated mind to assault the complainant party. Relations between them are far from cordial. Petitioner had had an altercation with the complainant's wife Geeta. In order to seek revenge, he and the other assailants had assembled. Further while the scuffle was going on, petitioner suddenly took out a licenced revolver from the pocket of Rajan Walia, brandished the same at him. At that juncture, the police officials arrived at the spot and tried to intervene, when aforesaid xxxx (P) fired two bullets which hit one of the police officials (Narender Singh).

8. Considering the nature and gravity of allegations and without further commenting on merits, present 2nd petition seeking relief of anticipatory bail is dismissed both on maintainability and merits. From the facts brought on record, it is apparent that the petitioner needs correctional and rehabilitative services in order to wean him away from criminal activities. Petition for grant of pre-arrest bail is dismissed with a direction to the Investigating Officer to immediately produce the petitioner before the Juvenile Justice Board, who shall prepare a chart in terms of provisions of The Juvenile Justice (Care and Protection of Children) Act, 2015, and rules framed thereunder so as to enable the Incharge of the home to provide petitioner with correctional services.

18.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

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