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

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**CRM-M No.70983 of 2025
Date of decision: 19.02.2026**

Bittu

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manu Gupta, Advocate and
Mr. Sumit Bajaj, Advocate,
for the petitioner.

Mr. Varun Gupta, DAG, Haryana,
for the respondent-State.

Mr. Shubhra Singh, Advocate,
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition as filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in case arising out of FIR No.220 dated 27.09.2025 registered under Sections 318(4), 316(2) and 143(2) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") and Section 24 of Immigration Act at Police Station Siwan, District Kaithal. His previous petition had been dismissed by making the following observations:-

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“8. The petitioner is alleged to have induced the brother of the complainant on the pretext of sending him to Germany and, after receiving a huge amount of money from him, sent him to Russia on a tourist visa further assuring that the victim would be sent to Germany though no valid visa was got issued in his favour for that country. The allegations against the petitioner are serious in nature. On daily basis, several youths of the State of Punjab are being duped of their money and are victimized on the pretext of sending them abroad. For conducting a thorough and proper investigation in the matter, custodial interrogation of the petitioner is a must. In case his custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.”

2. Learned counsel for the petitioner has argued that ever since the date of dismissal of the previous petition, there has been substantive change in the circumstances, since a compromise has been effected between the complainant and himself and the complainant has given her no objection to even quashing of FIR and also to allowing of the bail petition of the petitioner. It is submitted that infact, the victim had himself gone to Russia and had joined Russian Army to permanently

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settle there and the petitioner had nothing to do with the same. It is argued that the petition is maintainable on account of the changed circumstances and, therefore, it is argued that the same deserves to be allowed.

3. Learned counsel for the complainant present in Court has not raised any serious objection to the allowing of the petition. However, learned Deputy Advocate General, Haryana has argued that the petition is not maintainable since the previous petition of the petitioner had been dismissed by passing a detailed order. This application is successive one. The plea that a compromise has been effected between the parties cannot be taken into consideration at this stage. For conducting thorough and proper investigation into the matter, the custodial interrogation of the petitioner is must. It is, thus, argued that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. So far as the question of maintainability of the petition which is the second petition for grant of bail is concerned, no doubt, a second/successive bail petition is maintainable. However, in such petition to succeed, the petitioner must show that there is some substantial change in the circumstances. Cogent and lucid reasons are required to be given for that purpose. The plea as taken by the petitioner is that a compromise has been arrived at between the petitioner and the complainant. A copy of



such compromise has also been placed on record and learned counsel for the complainant has not contested the fact that it had been signed by the complainant as well. However, in the considered opinion of this Court, the plea so taken cannot be considered to be a plea amounting to substantive change in the circumstances. The allegations as levelled against the petitioner are quite serious in nature. His previous petition had been dismissed by taking all the material facts and circumstances into consideration. No relevance can be given to the factum of any compromise having arrived at between the complainant and the petitioner at this stage. The powers for grant of pre arrest bail are required to be exercised in exceptional and extraordinary circumstances. No such circumstance has been made out in this case. As such, finding no compelling ground to allow the petition, the same is dismissed.

6. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.02.2026

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Whether speaking/reasoned
Whether reportable

(MANISHA BATRA)
JUDGE

Yes/No
Yes/No