

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

2026:PHHC:007962



CRM-M-73509-2025 (O&M).
Date of decision: 20.01.2026.

HARDEEP SINGH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Dushyant Rana, Advocate,
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, filed by the petitioner for seeking
anticipatory bail in case bearing FIR No.50 dated 03.03.2024, under
Section(s) 406 and 420 of the Indian Penal Code, 1860, registered at Police
Station Hansi Sadar, District Hansi.

Mr. Sanjay Gyan, Advocate, enters appearance and files power
of attorney on behalf of respondent No.2.

Status report on behalf of respondent-State has been filed in the

Court today. A copy thereof has been supplied to the counsel for the petitioner.

Counsel for the petitioner contends as under:

- (i) that the present petition has been filed after a period of six months of the dismissal of the earlier bail petition.
- (ii) that after the withdrawal of the earlier bail petition filed by the petitioner on 07.07.2025, co-accused of the petitioner has been granted regular bail.
- (iii) that only a sum of Rs.50,000/- was transferred in the account of the petitioner and hence he cannot be held liable for the entire transaction and;
- (iv) that the petitioner is ready to pay the amount of Rs.50,000/-

Counsel for the State however contends that the second petition for anticipatory bail without any material change of circumstances is not maintainable. The petitioner had all the opportunity to raise all these arguments earlier and hence cannot raise the same again. It is deemed that the arguments were considered. She submits that present petition is an attempt at Bench hunting, after change of Roster.

I have heard the learned counsel appearing for the respective parties and have gone through the documents and considered the arguments raised before the Court.

It is not in dispute that the first petition for anticipatory bail filed by the petitioner was withdrawn, after arguing the same at some length.

It was specifically noticed by the Coordinate Bench of this Court in his order dated 07.07.2025 as under: -

“The jurisdiction of this Court has been invoked under Section 438 Cr.P.C. for grant of Anticipatory bail to the petitioner in the case bearing FIR No.50 dated 03.03.2024, under Section 420, 406 of IPC, 1860, registered at Police Station Hansi Sadar, District Hisar, Haryana.

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

Prayer is accepted.

Dismissed as withdrawn.”

Adverting to the argument of the petitioner regarding the FIR having been registered after a delay of one year and/or the petitioner having received only a sum of Rs.50,000/-, the said argument was available to the petitioner even at the time when the earlier petition for bail was not accepted. This court would not assume that the argument had not been raised or had not been appreciated by the Court.

Alternatively, considering that the argument was not raised or the argument failed to convince the Court at that point in time, the same argument cannot be raised again by way of a fresh petition.

So far as the argument of the petitioner about regular bail having been granted to the other accused during the intervening period when the petitioner has evaded being taken in custody, the Division bench of this Court in the matter of **Manjinder Kaur Vs State of Punjab, bearing No.CRM-M-40916-2022 decided on 30.01.2023** decided along with a batch of petitions has held that a mere fact that the other co-accused has

subsequently been granted regular bail is not a changed circumstance. This Court in the matter of **Kuldeep Randhawa Vs. State of Punjab, bearing case No.CRM-M-46006-2025**, while relying on the judgment in Manjinder Kaur (supra) held as follows: -

“10. So much so, even the Division Bench judgment of this Court in Manjinder Kaur (supra), relied upon by the petitioner himself, carves out the very same principle and the same had been relied by the learned Single Bench. It has been clearly and unequivocally held therein that developments such as the arrest of a co-accused or the main accused, or the grant of bail to any co-accused, do not constitute a “changed circumstance” so as to render a second petition for anticipatory bail maintainable. The relevant extract of the judgment of Division Bench in the matter of Manjinder Kaur (supra) reads thus:-

“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 CrPC stands 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.”

(Emphasis supplied)

11. Even though, ordinarily an argument would have been available to the petitioner to contend that the earlier petition was a mere simplicitor withdrawal and therefore would not operate as a bar, in view of the judgment of the Hon'ble Supreme Court in Rani Dudeja v. State of Haryana, (2017) 13 SCC 555, and the merits ought to be considered, however, a perusal of the order dated 19.03.2025 passed in the earlier bail petition clearly shows that it was not a case of simplicitor withdrawal at the very outset and without consideration on merits, rather, the matter was heard at considerable length, and only when the Court appeared disinclined to grant the relief sought, the petitioner chose to withdraw the petition. The withdrawal was thus not under a situation where merit has not been considered at all or was not even technical in nature. It was also not accompanied by any request or liberty to file a fresh petition. Having taken a considered chance of seeking a judicial adjudication on merits, and thereafter withdrawing the petition to avoid an adverse order, the petitioner cannot now claim the benefit of treating such withdrawal as a simplicitor withdrawal so as to reopen the matter on merits through a successive second anticipatory bail petition.”

It is evident that earlier bail petition having been dismissed as withdrawn on 07.07.2025 after arguing the matter at length and the petitioner has been evading his arrest. After the change of Roster, the present petition has been filed. The ratio of the Division Bench judgment would apply to the present case in its entirety.

Resultantly, the present petition is dismissed and a cost of

Rs.20,000/- is imposed upon the petitioner to be deposited with DHFWS
SKS USERFEES CS OFFICE Panchkula, Account No.50100189689492,
IFSC Code HDFC0004832, HDFC Bank, Sector 6, Panchkula.

January 20, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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