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

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Sakattar Singh and others

...Petitioners

V/s

State of Punjab

...Respondent

Date of decision: 10.08.2026**Date of Uploading : 10.08.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Umesh Aggarwal, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt by the petitioners under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail in case bearing FIR No.33 dated 01.03.2026, registered for the offences punishable under Sections 115(2), 117(2), 298, 324(4), 351(2), 191(3), 190 of BNS at Police Station Kathu Nangal, District Amritsar Rural.

The petitioners had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed on 01.05.2026 by a detailed order.

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioners on 03.08.2026.

2. The gravamen of the FIR in question reflects that the complainant namely Dilbagh Singh has alleged that on 09.02.2026, while he

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was going towards his shop on his scooter, petitioner No.1 — Sakattar Singh came from the opposite direction on a Peetar Rehra and allegedly turned the hand-cart towards him with the intention of hitting him. The complainant saved himself by taking his scooter towards the unpaved portion of the road as a result of which his scooter slipped and he fell down. The complainant thereafter proceeded towards Baba Lagah Gurdwara Sahib, Village Chachowali. As per the complainant, at about 1:45 p.m., petitioner No.1 — Sakattar Singh along with several persons entered the shop of the complainant, threatened the persons working there and abused them. Thereafter, at about 2:10 p.m., the petitioners and other persons allegedly followed the complainant to Baba Laga Gurdwara Sahib. Furthermore, the accused persons were armed with wooden handles of *kahi/spade* and other weapons. It has been further alleged that petitioner No.2 — Shamsher Singh gave a blow on the head of the complainant which was warded off by the complainant with his left arm. Thereafter, petitioner No.1 — Sakattar Singh allegedly gave a blow on the left arm of the complainant, as a result of which he fell down. While the complainant was lying on the ground, petitioner No.3 — Amritpal Singh and co-accused Ravinder Singh along with other persons allegedly assaulted him with their respective weapons and caused injuries on various parts of the body of the complainant. It has been further alleged that petitioner No.2 — Shamsher Singh pulled the beard of the complainant whereas petitioner No.1 — Sakattar Singh damaged the scooter of the complainant. On account of the injuries sustained in the occurrence, the complainant was admitted in the hospital. As per the MLR, the complainant had suffered five injuries, out of which

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injuries No.1 and 2 were opined to be grievous in nature. On these set of allegations, the instant FIR came to be registered and investigation ensued.

3. Learned counsel for the petitioners has iterated that the petitioners are innocent and have been falsely implicated into the FIR in question. Learned counsel has further iterated that the instant case is that of version and cross-version. According to learned counsel, petitioner No.1 has himself suffered injuries in the same occurrence and was medically examined on the date of the incident. It has been further contended that the FIR was registered after a delay of about 20 days and the complainant has been medically examined after considerable delay whereas the petitioner No.1 had been medically examined immediately after the occurrence. Learned counsel has emphasized that the prosecution version is highly doubtful and the subsequent DDR/cross-version dated 02.05.2026 constitutes material change in circumstances. Furthermore, the petitioners are permanent residents of the village, have deep roots in Society, are not likely to abscond and are ready to join the investigation. No recovery remains to be effected from the petitioners and the material relied upon by the prosecution is documentary in nature, which is already in possession of the investigating agency. On the strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioners 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



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the earlier petition was dismissed by this Court by a detailed order on 01.05.2026 and neither any prayer was made nor was any liberty granted to the petitioners to file afresh. 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 submitted that the offence committed by the petitioners is serious in nature. He has submitted that the manner in which the occurrence has taken place reflects that the petitioners, after the initial incident, returned with other co-accused, entered the shop of the complainant, threatened the workers and thereafter followed the complainant to another place where he was allegedly assaulted. Learned State counsel has contended that the custodial interrogation is required for a fair and effective investigation and the subsequent DDR does not dilute the allegations which have already been considered by this Court while dismissing the earlier petition. He has further emphasized that releasing the petitioners on bail at this crucial stage may hamper the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the petition in hand.

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:



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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. Indubitably, the first petition(s) (for grant of anticipatory bail) preferred by the petitioners have been dismissed by the coordinate Bench of this Court on 01.05.2026 after considering the material placed on record including the nature of offence and the stage of investigation. Thereafter, in

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the petition in hand i.e. second petition (for grant of anticipatory bail), the petitioners have reiterated the grounds previously taken (at the time of rejection of the first petition on 01.05.2026) except that the subsequent registration of the cross-version/DDR dated 02.05.2026 regarding the injuries suffered by petitioner No.1. Though it is true that the DDR has been recorded after the earlier order dated 01.05.2026 passed by this Court but merely because a subsequent document has come into existence does not, by itself, reflect that there has been a material change in circumstances. The Court has to examine whether the subsequent development changes the basis on which the earlier petition was rejected. While dismissing the earlier anticipatory bail petition(s) of the petitioners, this Court had already taken notice of the contention that petitioner No.1 had also sustained injuries in the occurrence, however, did not find sufficient ground to grant the extraordinary concession of anticipatory bail. After considering the manner of the occurrence, the Court found that the petitioners had returned after the first incident and thereafter surrounded and assaulted the complainant. The Court observed that the manner of the occurrence indicated a premeditated course of conduct and an intention to cause injuries which were *prima facie* grievous in nature. Furthermore, the coordinate Bench, while dismissing the petition(s), has specifically considered the injuries suffered by petitioner No.1 and hence the same cannot be taken to be a new circumstance which was beyond consideration at the time of the first petition. The earlier order passed by coordinate Bench of this Court has dealt with this aspect and held that, in the facts of the case, the petitioners having been found to be the aggressor could not seek indulgence merely on the ground that he had also

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sustained injuries. The fact that petitioner No.1 had sustained injuries was already a matter before the Court when the first anticipatory bail petition was decided.

8. 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. Moreover, the prolonged evasion of the petitioners from the process of law weighs heavily against the exercise of discretion in his favour under the provisions governing anticipatory bail. Furthermore, the first petition was dismissed on 01.05.2026 and the instant petition has been preferred after a gap of more than 3 months (i.e. on 03.08.2026). It is evident that the petitioners have deliberately evaded the process of law for over 3 months. The conduct of the petitioners 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 fair. However, if the petitioners-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamounts to an abuse of the process of justice. While liberty and dignity of an individual must be held high, 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 3 months on part of the petitioners (herein) is inexplicable *nay* contumacious. Therefore,



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the conduct of the petitioners when examined in the backdrop of the nature/severity of allegations made against the petitioners, dis-entitles him for grant of anticipatory bail.

9. Furthermore, no fresh substantial change in circumstances has been brought forward which would indicate that the petitioners are entitled to maintain his second petition for grant of anticipatory bail. All the grounds urged by the petitioners in the present petition have already been considered & decided and view thereupon has been taken vide judgment dated 01.05.2026. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioners to file and maintain the second anticipatory bail petition.

10. 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

August 10, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No