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

(108)

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Date of Decision:- 17.09.2026

Ravi Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Deepak Verma, Advocate
for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana
assisted by ASI Dheeraj.

ALOKJAIN, J. (Oral)

1. The present petition is the second petition for grant of anticipatory bail to the petitioner, in case FIR No. 0391 dated 13.07.2026 under Section 15(c) of NDPS, Act, registered at Police Station Samalkha, District Panipat, Haryana (Annexure P-1).
2. The present petition has been filed through a different counsel, whereas the earlier petition filed by the petitioner was dismissed as withdrawn vide order dated 01.09.2026, which reads as under:

“1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of anticipatory bail to the petitioner in case FIR No.391 dated 13.07.2026 under Sections 15(c) of Narcotic Drugs & Psychotropic



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Substances Act, 1985 registered at Police Station Samalkha, Panipat, Haryana.

2. After vehemently arguing on the merits of the case and when the Court was not inclined to grant the relief, learned counsel for the petitioner seeks withdrawal of the present petition as he has instructions that petitioner is ready to surrender before the learned trial Court, however, further prays that in case, he applies for grant of regular bail, the same may be decided expeditiously.

3. Learned State counsel submits that the said bail application should be decided on its own merits and not guided by the present order.

4. Considering the above request and in light of the volunteered statement of the counsel for the petitioner that the petitioner is ready to surrender, he may do so within a period of one week from today and in case, the petitioner applies for regular bail thereafter, the same be decided within a period of one week, in accordance with law.

5. Accordingly, the present petition stands dismissed as withdrawn, without expressing any opinion on the merits of the case.

6. However, it is made clear that this order shall not be construed as any direction of granting or not granting a bail and if any application moved before the learned trial Court, the same shall be considered on its own merits, in accordance with law and without being influenced by this order.”

3. It is apposite to record that the earlier bail petition had not been withdrawn at the threshold. **The State had filed its reply** and the

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matter was thereafter argued at length on merits, it was only when this Court was not inclined to grant any relief to the petitioner that learned counsel appearing for the petitioner sought permission to withdraw the petition, upon making a specific statement that the petitioner was ready and willing to surrender before the learned trial Court. More so, the said statement with regard to the surrender was made voluntarily and not on the asking of the Court.

4. Admittedly, there has been no subsequent material change in circumstances which entitle the petitioner for the relief of anticipatory bail. The only change is that the present petition has been instituted through another counsel and certain additional pleas have now been raised. The narrative now sought to be projected in the present petition appears to be an attempt to overcome and counter the reply filed by the State in the earlier petition. The petitioner, therefore, cannot be permitted to play hide and seek with the judicial process, by attempting to supplement the pleas which were already available to him when the first petition was filed.

5. A litigant cannot be permitted to seek reconsideration of the same relief by improving upon the pleadings or arguments advanced in an earlier petition. If a contention was available to the petitioner on the date of consideration of the first petition but was either not argued, or not presented in the manner which subsequently considered desirable, the same cannot, by itself, be considered as subsequent change in circumstances. The requirement of precedential law is of a change occurring after the earlier order, and not merely a change in counsel with the strategy to advance a different line of argument.

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6. The petitioner's contention that he had never instructed the earlier counsel to make the statement regarding surrender is of no consequence in the facts and circumstances of the present case. A Counsel duly engaged and authorized to represent a litigant before the Court speaks for the litigant and any statements made by counsel in the course of judicial proceedings cannot ordinarily be permitted to be disowned at the mere *ipse dixit* of the litigant, particularly when the earlier order was passed by the Court acting upon such statement.

Entertaining such petitions and permitting a litigant to subsequently disown a statement made by his counsel merely by changing the counsel would open a Pandora's box and would seriously undermine the sanctity and credibility attached to representations made by members of the Bar before the Court. Judicial proceedings cannot be reduced to a process wherein a party may accept a statement of counsel when advantageous and repudiate the same when its consequences become inconvenient.

7. Significantly, except for making a bare assertion in the present proceedings, the petitioner has placed nothing on record to demonstrate that the statement recorded in the order dated 01.09.2026 was unauthorized or contrary to his instructions. Apparently, no complaint or other appropriate action has been taken against the previous counsel for the alleged professional misconduct. More importantly, an allegation against the previous counsel cannot, by itself, substitute the essential requirement of demonstrating a subsequent change in circumstances for maintaining a second petition seeking the same relief. The petitioner cannot create a fresh ground for anticipatory bail merely by attributing the outcome of the earlier

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proceedings to his previous counsel.

8. Even otherwise on merits, this Court cannot lose sight of the fact that 1033 kg 970 gram of doda/chura post was recovered from the co-accused (i.e. the driver of the vehicle-truck) which falls within commercial quantity and admittedly the petitioner is the owner of the said vehicle. As per the submissions of the learned State counsel that there is substantial material against the petitioner including CDR, WhatsApp records demonstrating repeated communication immediately preceding the recovery. Moreover, the tower location of the petitioner was also found to be of District Ratlam, Madhya Pradesh, the place from where the contraband was allegedly loaded. Moreover, the petitioner is engaged in the transport business and owns the vehicle which is allegedly involved in the delivery of the contraband. The abovesaid circumstances, when considered cumulatively raises a serious question regarding the petitioner's alleged role in the transportation and movement of the contraband, which requires to be thoroughly examined during the investigation.

9. The Court also cannot oblivious to the serious menace posed by the trafficking and transportation of narcotic substances to the State. The alleged use of commercial vehicle for movement of contraband which not only facilitate the wider movement and distribution but also casts a cloud of suspicion over the *bona fide* persons engaged in the transportation business, who may also be subjected to the stringent scrutiny by the authorities on account of misuse of the commercial vehicles.

10. In light of the above circumstances, this Court does not find any ground to extend the extraordinary concession of anticipatory bail to

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the petitioner. The mere submission that no recovery is to be effected from the petitioner does not, by itself, create an indefeasible right to anticipatory bail. The nature of the accusation, the material collected during investigation, the attending circumstances and the conduct of the petitioner are all relevant considerations while examining such a prayer.

11. Moreover, the present petition in the considered opinion of this Court, amounts to an attempt to abuse the process of law, which cannot be permitted to become a means of seeking reconsideration of the same relief in the absence of subsequent development. Although this Court is of the view that the present petition is a fit case for imposing exemplary cost of Rs. 1,00,000/-, however, taking into consideration the request made by of the counsel for the petitioner, this Court refrains from imposing cost.

12. In light of the above, this Court does not find any ground to grant the extra-ordinary concession of anticipatory bail to the petitioner, hence, the same stands dismissed.

13. It is made clear that any observation made in this order is only for the purpose of deciding the present petition and shall not be considered as any expression of opinion on the merits of the case.

(ALOKJAIN)
JUDGE

17.09.2026*Parul*

Whether speaking/reasoned:-

Yes

Whether Reportable:-

Yes