



2026:PHHC:036608



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Sukhwinder Singh

...Petitioner

V/s

State of Punjab and another

...Respondents

Date of decision: 10.03.2026

Date of Uploading : 10.03.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Pankaj Bali, Advocate for the petitioner.

Mr. Hemant Aggarwal, DAG Punjab.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.315 dated 26.11.2024, registered for the offences punishable under Sections 406, 420 of IPC (Now Section 316 & 318 of BNS) and Section 13 of the Punjab Travel Professionals (Regulations) Act, 2014 at Police Station Phillaur, Jalandhar Rural.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 31.07.2025. The relevant part of said order reads as under:-

“ *Learned counsel for the petitioner seeks permission to withdraw the present petition, at this stage.*

Dismissed as withdrawn. ”



Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 26.02.2026.

2. The gravamen of the allegations, as borne out from the FIR, is that the complainant namely Prabhjot Singh was induced by the petitioner, who projected himself to be a travel agent and was capable of arranging overseas employment in Spain. It has been alleged that the petitioner had assured the complainant that he would secure a valid work permit and visa for Spain for a consideration of ₹5,00,000/-. Relying upon the representation of the petitioner, the complainant and his family members transferred various amounts to the bank account allegedly provided by the petitioner. It has been further alleged that initially, a sum of ₹50,000/- was transferred on 07.11.2023 through bank transfer, followed by amounts of ₹13,000/- and ₹2,000/- through digital payment modes. Subsequently, on 19.01.2024, a further amount of ₹3,00,000/- was transferred from the account of the mother of the complainant to the same account which had been provided by the petitioner. It has been further alleged that the petitioner had forwarded a purported copy of a visa to the complainant through mobile phone, which later turned out to be forged. When the complainant had received his passport back without any valid visa endorsement, he allegedly discovered that the document shared earlier by the petitioner was fake. It has been further alleged that when the complainant demanded the return of his money, the petitioner allegedly extended threats and failed to refund the amount. On the basis of these allegations, the present FIR came to be registered for the offences involving cheating and criminal breach of trust.



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3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has no direct role in the alleged occurrence and has been made a scapegoat due to the alleged acts of one Dalbir Singh, who has introduced the complainant to the petitioner and has allegedly handled the financial dealings. According to the learned counsel, the allegations in the FIR are highly improbable and do not make out a *prima facie* case against the petitioner. Furthermore, the complainant has voluntarily transferred the alleged amount and the petitioner himself has been misled by the Dalbir Singh, who had allegedly provided incorrect bank account details and misappropriated the money. It has been further submitted that the enquiry conducted prior to the registration of the FIR has been carried out without affording any opportunity of hearing to the petitioner. It has been further contended that the petitioner is ready and willing to return the entire amount of ₹3,65,000/- to the complainant to demonstrate his *bona fides*. Learned counsel has further asserted that there is no need for custodial interrogation of the petitioner as he is ready to join investigation shall abide by all the terms and conditions that may be imposed by this Court. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case he is enlarged on pre-arrest bail. On strength of aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial

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change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the earlier petition was dismissed as withdrawn on 31.07.2025 and neither any prayer was made nor was any liberty granted to the petitioner to file afresh. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, has submitted that the allegations in the FIR clearly reflects that the petitioner while posing as a travel agent induced the complainant to part with a substantial amount of money on the false promise of sending him abroad (i.e. Spain) on a valid work permit and visa. Acting upon such representations, the complainant and his family members transferred an amount of ₹3,65,000/- into the bank account allegedly provided by the petitioner. Thereafter, the petitioner allegedly forwarded a forged visa document through electronic means and continued to mislead the complainant. According to learned State counsel, when the complainant later received his passport without any valid visa endorsement and verified the same, it came to light that the visa shared earlier by the petitioner was fake and fabricated which reflect the fraudulent conduct of the petitioner. It has been further contended that when the complainant demanded the return of his money, the petitioner not only failed to refund the amount but also extended threats to the complainant. Learned State counsel has emphasized that the petitioner is not a first-time offender and is involved in multiple criminal cases of a similar nature involving offences of cheating and fraud. Such antecedents clearly indicate a pattern of conduct and demonstrate that the petitioner is habitually involved in offences of this nature. It has been further submitted that the investigation is still in progress and the role of the



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petitioner in the financial transactions, the alleged forged visa document and the involvement of other persons connected with the alleged travel fraud are required to be thoroughly examined. On these grounds, learned State counsel prays that the present petition be dismissed, as the petitioner does not deserve the extraordinary relief of anticipatory bail.

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:

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/dismitted as not pressed/dismitted 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. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version of the prosecution, the complainant was induced to part with an amount of ₹3,65,000/- on the assurance of the petitioner that he would be sent abroad to Spain on a valid work permit and visa. The petitioner has projected himself to be a travel agent and defrauded by receiving amounts on the same pretext from the complainant and his family members. He is also alleged to have subsequently sent a purported copy of visa which later turned out to be forged. Indubitably, the first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as withdrawn by this Court on 31.07.2025. It is well settled that a second anticipatory bail petition seeking identical relief is not maintainable unless there is a substantial change in circumstances after the disposal or withdrawal as per the jurisprudence on bail. The grounds urged in the present petition appear to be the same as those which were available to the petitioner at the time when the earlier petition was withdrawn. In the absence of any new fact, development or change in circumstances, entertaining successive petitions would amount to permitting repeated attempts for the same relief, which cannot be



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countenanced in law. Therefore, notwithstanding the submission regarding the limited role attributed to the petitioner, this Court finds that the present petition suffers from the vice of maintainability, as no change in circumstances has been demonstrated after the withdrawal of the earlier anticipatory bail petition. Accordingly, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Furthermore, 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.

8. Furthermore, the first petition was dismissed as withdrawn on 31.07.2025 and the instant petition has been preferred after a gap of more than 07 months i.e. 26.02.2026. It is evident that the petitioner has deliberately evaded the process of law for over 07 months. The conduct of the petitioner 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 fairly. However; if the petitioner-accused chooses to employ irregular and convoluted tactics, including undue delay, strategically aimed at frustrating lawful proceedings/investigation, it tantamount to an abuse of the process of justice. While liberty and dignity of an individual must be held high, however, 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 07 months on part of the petitioner (herein) is inexplicable *nay* contumacious. Therefore,



the conduct of the petitioner when examined in the backdrop of the nature/severity of allegations made against the petitioner, dis-entitles him for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

9. There is another aspect *nay* vital aspect of the matter which deserves to be addressed by this Court.

The sanctity of the judicial process is predicated upon the principle of finality of judicial orders. While there is no express statutory embargo against the filing of successive applications for anticipatory bail, such a right is not an absolute charter for *procedural adventurism*. A litigant who approaches the same Court for the same relief, absent any material change in circumstances engages in a stratagem of attrition that is less a pursuit of justice and more an exercise of *testing the waters*. Such a practice constitutes a classic case of forum shopping, wherein the litigant treats the halls of justice as a laboratory for speculative litigation. By repeatedly knocking on the same door without a fresh cause of action, such a litigant attempt to circumvent the hierarchy of the courts, ignoring the well-settled principle that a party aggrieved by an order must ascend the judicial ladder rather than move horizontally in hopes of a more favourable wind.

9.1 Pertinently, this *hit and try* methodology is a malady that must be detested by this Court, as it strikes at the very root of judicial propriety. To permit a litigant to treat the dismissal of a prior petition as a mere interlocutory suggestion, rather than an authoritative pronouncement, is to invite judicial anarchy. When a court of is invited to re-evaluate the same



facts and the same law previously adjudicated upon, it creates a perilous risk of conflicting orders, thereby eroding the public faith in the consistency and majesty of the law. The judicial time is a precious public resource, and its diversion into the redundant channels of repetitive pleas is a vexatious abuse of process. There is no gainsaying that if there is material change in circumstances the second/subsequent plea ought to be considered on merits thereof, however, if such a second/subsequent plea is based on similar factual *milieu*, the same ought to be nipped in the bud with an iron hand. Pertinently, such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with firmness. A litigant who misuses the process of law or take liberties with the procedural concession should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on such a misplaced adventurism. Accordingly, costs, which ought to be veritable and real time in nature, to be imposed upon the petitioner.

10. In view of the prevenient ratiocination, it is ordained thus:

(i) The petition in hand is devoid of merits and is hereby dismissed. Consequently, the present petition is dismissed with costs of ₹20,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Jalandhar within four weeks from today. In case such costs are deposited; CJM, Jalandhar shall have the same remitted to Punjab



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State Legal Services Authority, Mohali. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Jalandhar is directed to intimate the Deputy Commissioner, Jalandhar who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Jalandhar shall have the same submitted to CJM, Jalandhar, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Jalandhar as also Deputy Commissioner, Jalandhar to this Court accordingly.

(iii) Registry is directed to transmit a copy of this judgment to CJM, Jalandhar as also Deputy Commissioner, Jalandhar for requisite compliance.

(iv) 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.

(v) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 10, 2026

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No