



CRM-M-30653-2025

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

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Date of Decision: 29.05.2025

Sharanjit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM:HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Suneet Kumar, Advocate
for the petitioner.

Ms. Navreet Kaur Barnala, Asst. AG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
09	15.06.2023	Punjab State Crime, Police Station SAS Nagar	406, 420, 120B IPC

1. The petitioner, whose anticipatory bail was rejected on merits after discussing the evidence vide order dated 30.07.2024 passed in CRM-M-23170-2024 (Annexure P-9), has again come up before this Court under Section 482 BNSS for second time.

2. Petitioner's counsel argued that one ground which was not argued before this Court earlier, was that current FIR is double jeopardy for the reason that on the same set of allegations, one FIR (Crime No.104 of 2021) was registered in Saharanpur and they had gone to Hon'ble Allahbad High Court for quashing of the same and the Hon'ble Court had directed not to take any coercive steps against the petitioner and refers to Annexure P-11. Annexure P-11 is an order dated 25.11.2024 passed in the petition under Section 528 BNSS filed before the Hon'ble Allahbad High Court and in para 7 of the said order, the said Court has observed that no coercive action shall be taken against the applicant in the said FIR. Petitioner further draws attention to para 2 of the order dated 25.11.2024 (Annexure P-11), which reads as under:-

"2.The applicant has invoked the inherent jurisdiction of this Court under Section 482 CrPC to quash the entire proceedings as well as orders dated 14.03.2024 and 29.08.2024 in Case No.9957 of 2021



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arising out of case crime No.104 of 2021 under Sections 420, 406 & 120-B IPC, Police Station Qutubsher, District Saharanpur, pending before Chief Judicial Magistrate, Saharanpur.”

3. Perusal of the above para reveals that FIR registered in 2021 whereas on the same set of allegations present FIR No.9 (Annexure P-1) was registered on 15.06.2023.

4. Counsel for the State submits that point of double jeopardy was available to the petitioner even at the time of dismissal of first anticipatory bail application and they did not bring it to the notice of this Court and now they reopened the said arguments. He further submits that second petition for anticipatory bail is not maintainable when the first one was dismissed on merits and prayed for dismissal of petition.

5. Faced with this, petitioner's counsel wants to withdraw the present petition with liberty to file an application for regular bail after surrender before the concerned Court and further prayed for direction to concerned Court to release the petitioner on interim bail till the disposal of his petition for regular bail as this is a case of double jeopardy.

6. Given above, petitioner is directed to file an application for regular bail after surrender before the concerned Court on or before 05.06.2025 at 11 AM. In case, such application is filed, the said Court shall release the petitioner on interim bail till the disposal of his petition/application on merits in view of the ratio of the judgment passed by the Hon'ble Supreme Court of India in ***Sundeep Kumar Bafna vs. State of Maharashtra (2014) 16 SCC 623***. It is further clarified that it shall be open for the petitioner to demonstrate that it was a case of double jeopardy before the concerned Court. It is clarified that the concerned Court shall not be influenced by any observation made by this Court in previous order or in this order and shall decide the same on its own merits. If the petitioner fails to surrender before the trial Court on 05.06.2025 at 11 AM, this order shall stand recalled automatically under Section 403 BNSS.

7. Petition is disposed of as withdrawn with the aforesaid observation. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.05.2025
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Whether speaking/reasoned	Yes
Whether reportable?	No