

CRM-M-45555 of 2025

2025.PHHC:110738



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

CRM-M-45555 of 2025
Date of decision: 21.08.2025

Sukhpreet Singh @ Sukhu

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shivender Pal Singh, Advocate,
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J.

1. Instant fourth petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.17 dated 02.03.2024 registered under Sections 341, 328, 323, 34 IPC (lateron added Section 376 IPC) at Police Station Mehna, District Moga.

2. Present FIR was registered on the basis of statement of complainant/victim wherein she has stated that they are five brothers and sisters. She is the eldest to all. Her father is doing the work of labour whereas her mother remains sick. In 2017 her marriage was solemnized with Amritpal Singh son of Chamkaur Singh. Out of the said wedlock, she has two children. Due to difference in temperament, both of them separated

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through mutual agreement by the Women's Council, Bathinda. She went to Bus Stand, Moga in search of work, where she met Arshdeep Singh son of Pavittar Singh, who during conversation, obtained her mobile number. Later on, she returned to her house at Kotkapura but their acquaintance developed into friendship. Arshdeep Singh told her that he is having Darshan Hotel at Bughipura Chowk, where she will be given a job of Manager. Thereafter, on the asking of Arshdeep Singh, she went to Darshan Hotel for work, where Arshdeep gave her a job of Manager for one month. Subsequently, he allured her that he will solemnize marriage with her and started making physical relations with her by administering intoxicant tablets to her. When she complained about headache, Arshdeep Singh brought tablet from his friends Garry and Harman and after consuming said tablet, she became unconscious. When she regained consciousness, she found herself naked. Thereafter, they blackmailed her by saying that now if she will not make physical relations with them, they will viral the video on social media. Due to fear, she was coerced into repeated physical relations with different people. During that period, Arshdeep used to make physical relations with her daily. Resultantly, she conceived twice but on both occasions, Arshdeep Singh with the help of his friends, Garry and Harman forcibly administered drinks laced with abortion kit. Thereafter, they also beaten her. On 05.02.2024, she made call on 112 Helpline, who got effected compromise, wherein Arshdeep Singh promised her that he will solemnize marriage with her. However, later Arshdeep Singh and his friends Garry @ Gagan and Harman started advancing threats to kill her unless she left



Darshan Hotel and returned to her house at Kotkapura. On 25.02.2024 at about 10 a.m., SI Balwinder Singh asked her to come present in Police Station Mehna at 4.00 p.m. as a complaint has been lodged against her by Garry @ Gagan. She went there. At the police station, Arshdeep Singh and Harman confronted her and an altercation took place there. After, she returned to Darshan Hotel, where both of them followed her along with present petitioner-Sukhu and started quarreling and beating her. They also snatched her mobile phone and purse containing Rs.15,000/- and keys of almirah. They also took about Rs.1,00,000/- from the almirah. Thereafter, they mercilessly beaten her and forcibly administered phenyl. At that time, her friend Karamjit Kaur reached at the spot, who made arrangement for conveyance and got her admitted in Civil Hospital, Moga, where she remained admitted from 25.02.2024 to 01.03.2024. Accordingly, FIR under Sections 341, 323, 328, 34 IPC was got registered. Thereafter, during investigation, offence under Section 376 IPC was added in the present case vide DDR No.39 dated 30.05.2024.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case. He further submitted that earlier the petitioner was granted the concession of interim bail by this Court vide order dated 01.04.2024 (Annexure P-2), which was made absolute vide order dated 15.05.2024 (Annexure P-3). However, lateron vide G.D. No.39 dated 30.05.2024, offence under Section 376 IPC was added. He further submitted that no offence under Section 376 IPC is made out against the petitioner. He further submitted that a compromise

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dated 13.09.2024 (Annexure P-4) was effected between the complainant and other accused persons and co-accused Arshdeep Singh has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.11.2024 (Annexure P-6) passed in CRM-M-57245 of 2024.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that keeping in view the gravity of offence committed by the petitioner his custodial interrogation is required, therefore, the petitioner does not deserve the concession of pre-arrest bail.

5. I have heard learned counsel for the parties and perused the record.

6. This is the fourth petition filed by the petitioner seeking anticipatory bail. In the first petition (CRM-M-15767 of 2024), the petitioner was granted anticipatory bail; second petition bearing number CRM-M-52940 of 2024 seeking anticipatory bail, after addition of Section 376 IPC, was dismissed by detailed order dated 23.10.2024 and the third petition bearing number CRM-M-13320 of 2025 was withdrawn by the petitioner on 10.03.2025 and the said order reads thus: -

“1. The petitioner has filed the instant petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case FIR No.17 dated 02.03.2024 registered under Sections 341, 323, 328 & 34 of IPC, 1860 (Section 376 of IPC was added later on) at Police Station Mehna, District Moga.

2. In view of the fact that the earlier petition bearing CRM-



M No.52940 of 2024 titled as 'Sukhpreet Singh @ Sukhu @ Sukh Vs. State of Punjab' filed by the petitioner under Section 438 of Cr.P.C. for grant of anticipatory bail was dismissed on merits vide order dated 23.10.2024 passed by this Court and the present petition being not maintainable, learned counsel for the petitioner wishes to withdraw the present petition.

3. *Dismissed as withdrawn."*

7. The law relating to successive bail applications is well-settled. An accused has a right to make successive applications for grant of bail. But the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications (See **Kalyan Chandra Sarkar v. Rajesh Ranjan : AIR 2004 SC 1866**). A bail application in a case where earlier applications have been rejected is maintainable only when there is a substantial change in circumstance, either in the fact or in the law which requires the earlier view being interfered with or where the earlier finding has become obsolete (See **Kalyan Chandra Sarkar v. Pappu Yadav : AIR 2005 SC 921**).

8. Once an application for bail is rejected by passing a speaking order, the change in circumstance pleaded to maintain a subsequent application should not be specious but real and genuine (See **G.R. Ananda Babu v. State of Tamil Nadu : 2021 SCC OnLine SC 176**).

9. Even otherwise, the plea of the petitioner that petitioner be granted anticipatory bail on the basis of compromise dated 13.09.2024 is



not acceptable as the said ground was available to him at the time of rejection of his third bail application by the learned Additional Sessions Judge, Mansa, vide order dated 08.10.2024 as well as at the time of dismissal of his second bail petition by this Court vide order dated 23.10.2024 which was dismissed by passing a detailed order. The so-called compromise appears to be nothing but just a twisting tool to secure liberty in a matter where serious allegations of rape and assault exist and, therefore, such compromise cannot wash away the gravity of the crime. The petitioner in the present case is not a mute spectator but an active participant in the chain of criminal acts like assaulting the victim, robbing her belongings and forcibly administering her poisonous substance. This conduct clearly demonstrates his criminal proclivity. A perusal of the averments made in this fourth bail petition shows that the petitioner has failed to show any change in circumstance or better particulars in support of this petition, which were not demonstrated in the earlier petitions. Successive bail applications, in the absence of any genuine change in circumstance, appear to be an attempt on the part of the petitioner to re-agitate the very same grounds in successive applications and reflect nothing but forum shopping, which deserves to be deprecated. Moreover, in the present case the grave offence of rape under Section 376 IPC involving exploitation of a woman has been added on the statement of victim, therefore, this Court also finds that the custodial interrogation of the petitioner-accused is required for fair investigation of the matter.

10. Having considered the above aspects, in the absence of any



change in the factual situation or law with regard to the case in hand, this Court does not find any ground to grant concession of anticipatory bail to the petitioner and, therefore, the present petition is liable to be dismissed with exemplary costs, since the petitioner has not approached the Court with clean hands and misused the process of law by filing successive bail applications.

11. Consequently, the petition is dismissed with costs of Rs.1.00 lakh to be deposited by the petitioner with the High Court Lawyers' Welfare Fund within a period of one month from today. In case, the costs is not deposited the same shall be recovered as arrears of land revenue.

21.08.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No