



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41866-2025
DECIDED ON: 04.08.2025

SIMRANDEEP

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. I.S. Dhaliwal, Advocate
for the petitioner
Mr. Sushil Bhardwaj, Addl. AG. Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

This petition has been filed under Section 438 Cr.P.C (482 of BNSS) seeking the concession of anticipatory bail for the petitioner in FIR No.79 dated 17.03.2024 under Sections 15 of The Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 483 of IPC (added later on), registered at Police Station Sadar Sonipat, District Sonipat.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To: SHO, Police Station Sadar Sonipat, ASI, myself HC Pradeep 1462, and Constable Rajesh 220 were on night patrol in a government vehicle, Bolero No. HR-10GV-1452, with Driver Deepak. We were near village Badwasni on Juraim Gohana Sonipat Road when we observed a car, number CH01CM-0586, a brand ETIOS, standing in a suspicious condition, possibly involved in an accident. ASI approached the car and, upon inspection, confirmed the presence of intoxicants inside. We informed the passersby about the investigation. At the same time,

Jitendra, son of Shri Mehar Singh, a resident of Ratnagarh district, Sonipat, arrived at the spot. Upon searching the car, ASI discovered it was filled with doda poppy seeds. These were then placed in a plastic container and weighed using an electronic scale. The weights were as follows: Katta No. 1: 6 kg 20 grams, Katta No. 2: 13 kg 414 grams, Katta No. 3: 12 kg 455 grams, Katta No. 4: 7 kg 220 grams, Katta No. 5: 7 kg 155 grams, Katta No. 6: 7 kg 524 grams, Katta No. 7: 6 kg 644 grams, Katta No. 8: 8 kg 214 grams, Katta No. 9: 10 kg 660 grams, Katta No. 10: 11 kg 968 grams, Katta No. 11: 12 kg 460 grams, Katta No. 12: 11 kg 475 grams, Katta No. 13: 14 kg 624 grams, Katta No. 14: 11 kg 660 grams, Katta No. 15: 12 kg 760 grams, Katta No. 16: 13 kg 625 grams, Katta No. 17: 12 kg 660 grams, Katta No. 18: 12 kg 100 grams, The total weight of the doda poppy seeds was 192 kg 638 grams. After this, 18 plastic packets were prepared separately, and sample seals were made by marking all packets with the stamp SK/1. After ASI gave approval, the evidence was handed over to HC Pradeep 1462. The doda poppy seeds and car number CH01CM-0586, ETIOS, were seized as evidence, and the Fard recovery was prepared and signed by the witness. The unknown accused has committed an offense under Section 15 of the NDPS Act by keeping illegal doda poppy seeds in his car number CH01CM-0586. A SINGH RAWAT socomplaint has been lodged against him, and a case has been filed against Constable Rajesh 220 of Aarsal Police Station. The case number should be communicated through the appropriate form, and a special report should be prepared. As ASI, I am requesting that another investigator be sent to the scene for the ongoing investigation. I am waiting for the ASI to continue further investigation. Location: Gohana Sonipat Road, near Village Badwasni, Hulla Heady Mode, Reporting Officer: SD Sunil, Police Station Sadar Sonipat, Date: 17-03-2024, Time: 09:00 AM, Upon receiving the report at the police station, the case was registered under Section 15 NDPS Act, M.N. 79 days, dated 17/03/2024. The special report is being sent to the concerned officer via email. The original complaint, along with a duplicate copy, was handed over to the police

constable for further action and sent to the concerned officer. Second investigator SI Rajesh 884/SPT was informed about reaching the scene. The manager of the police station was updated about the situation. The case was registered in the presence of ASI Salender 150/SPT.”

3. **Contention**

On behalf of the petitioner

Learned Counsel for the petitioner submits that earlier the petition bearing CRM-M-30331-2025 was dismissed on merits vide order dated 16.06.2025 but now there is change of circumstances as the main accused in the present case on whose disclosure statement, the petitioner was nominated, has been granted the concession of regular bail by this Court vide order dated 16.06.2025 (Annexure P-2).

On behalf of the State

At the outset learned State Counsel has raised a preliminary objection regarding the maintainability of the petition stating that second anticipatory bail under Section 482 of BNSS, 2023 without there being any change of circumstance is not maintainable and the said very fact has not been controverted by learned counsel for the petitioner that earlier also CRM-M-30331-2025 was filed by the petitioner and the same was dismissed on merits vide order dated 16.06.2025 (Annexure P-6).

4. **Analysis**

Be that as it may, before going to the merits of the case, this Court, would prefer to adjudicate on the preliminary objection raised by the learned State counsel i.e., whether second anticipatory bail application under Section 482 of BNSS, 2023, is maintainable?

From the perusal of record, it is an admitted fact by the learned counsel for the petitioner that earlier also a petition bearing No. CRM-M-30331-2025 was filed seeking anticipatory bail, but the same was dismissed by passing detailed order dated 16.06.2025 (Annexure P-6) since the Court was not inclined to accept the said prayer.

This Court is conscious of the fact that while exercising powers under Section 482 of BNSS, 2023 has to strike a balance between the individuals right to personal freedom and the investigational right of the police, therefore, the provisions of anticipatory bail cannot be allowed to put to abuse at the instance of unscrupulous petitioners.

Accordingly, the second or subsequent bail application under Section 482 of BNSS, 2023, can be filed, if there is a change in the fact-situation or in law, which requires the earlier view being interfered with or where the earlier finding has become obsolete. An accused, who has been denied the bail earlier can move a subsequent application only change of circumstances. If the issue, which had been canvassed earlier, would not be permitted to be re-agitated on the same grounds, as it would lead to a speculation and uncertainty in the administration of justice and may lead to forum hunting.

The petitioner has sought to assert a change in circumstance following the dismissal of his earlier anticipatory bail application by contending that the co-accused, who allegedly disclosed the petitioner's name, has been granted the concession of regular bail vide order dated 16.06.2025 (Annexure P-2). However, this Court is not persuaded by the said submission, as the co-accused was granted regular bail after the conclusion of the investigation, whereas the present petition relates to

anticipatory bail and the investigation is still under process to unearth the truth, involvement of the petitioner in the alleged offence. His non-cooperation is not only obstructing the course of investigation but also causing undue delay in the trial.

In the instant case, 2nd petition for anticipatory bail has been moved without any change of circumstances being demonstrated by the petitioner before this Court, after the dismissal of earlier petition vide order dated 16.06.2025 passed in CRM-M-30331-2025 by this Bench itself.

This Court is, therefore, of the considered view after having examined the submissions made by the counsel for the petitioner and the ambit of Section 482 of BNSS, 2023, this petition fails.

Hence, holding that second anticipatory bail in such circumstances is not maintainable, the petition is ordered to be dismissed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.08.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No