IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

133 **CRM-M-27794-2026**

Kiran Devi @ Kanchan Bala

....Petitioner

V/s

State of Punjab and another

....Respondents

Date of decision: 15.05.2026

Date of Uploading : 15.05.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Neeraj Jain, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG 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.42 dated 15.02.2024, registered for the offences punishable under Sections 420 and 120-B of IPC at Police Station City Jagraon, District Ludhiana Rural.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 23.04.2026. The relevant part of said order reads as under:-

> *"2. Learned counsel appearing for the petitioner, after arguing for sometime, seeks to withdraw the petition in hand. He has submitted that the petitioner shall cause appearance before the concerned Court within 7 working days from today, in case she does so by preferring an appropriate application seeking bail, the same shall be decided expeditiously, preferably within a period of 4 days of filing.*
>
> *3. Ordered accordingly."*

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 14.05.2026.

2. The gravamen of the allegations, as borne out from the FIR, is that the complainant namely Gurcharan Singh has alleged that he was induced by co-accused Som Dutt alias Sunny and others to part with a huge amount on the promise of sending his son and daughter to Canada. It has been further alleged that the accused persons represented themselves to be capable of arranging visas and admission abroad and assured the complainant that hi both children would be settled in Canada. Acting upon such assurances/representation, the complainant allegedly paid various amounts in cash on different dates i.e. from October 2020 onwards. As per the complainant, an amount of ₹15,50,000/- was paid to the accused for the aforesaid purpose. It has been further alleged by the complainant that he has been provided with forged and suspicious documents, including a medical report carrying the photograph of another person, and despite repeated assurances, neither his children were sent abroad nor the money was returned. The complainant further alleged that when he demanded the return of his money, threats were extended threats and amount in question had not been returned. On the basis of these allegations, the present FIR came to be registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question with an ulterior motive. Learned counsel has further iterated that the FIR has been lodged after an inordinate and unexplained delay of more than 03 years from the alleged date of occurrence inasmuch as the alleged transactions

pertain to the year 2020 whereas the complaint has been submitted on 06.11.2023 and the FIR came to be registered on 15.02.2024 which renders the prosecution story doubtful and creates suspicion regarding the genuineness of the allegations. It has been further contended that no amount has been credited or transferred into the bank account of the present petitioner and there is no documentary evidence connecting her with the alleged monetary transactions. Furthermore, the allegations levelled in the FIR are vague, omnibus and devoid of any specific material establishing the involvement of the petitioner in the alleged offence. Learned counsel has further submitted that the petitioner has been unnecessarily roped in merely on the basis of bald allegations. Learned counsel has emphasized that the dispute, if any, is essentially of a civil in nature which has been given the criminal only to pressurize the petitioner. Learned counsel has further asserted that there is no need for custodial interrogation of the petitioner as she is ready to join investigation shall abide by all the term(s) and condition(s) that may be imposed by this Court. Moreover, there is no likelihood of the petitioner absconding from the process of justice in case she 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 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 23.04.2026 and neither any prayer was made nor

2026:PHHC:076734

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 petitioner has been specifically named in the FIR and has played an active role in cheating the complainant and his family members under the pretext of sending their children abroad. According to learned State counsel, the allegations against the petitioner are serious in nature and disclose a well-planned conspiracy involving inducement and preparation of false documents in connivance with the co-accused. It has been further contended that the petitioner has actively participated in the offence in question and the allegations cannot be termed as vague or omnibus at this stage as specific assertions have been levelled regarding the involvement of the petitioner in receiving money and extending false assurances to the complainant. Learned State counsel has emphasized that in cases involving organized cheating in the name of immigration and foreign settlement, effective custodial interrogation becomes essential for a fair and complete investigation. Learned State counsel has pointed out that the petitioner is involved in other criminal cases of similar nature, including FIR No. 192 dated 08.09.2024 registered under Sections 420, 406, 467, 468 and 471 IPC at Police Station City Jagraon and FIR No. 03 dated 04.01.2023 under Sections 420 and 120-B IPC at Police Station Baghapurana. Accordingly, prayer has been made for dismissal of the petition.

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/dismissed as not pressed/dismissed 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. The allegations levelled in the instant FIR are serious in nature and *prima facie* disclose a deliberate act of cheating committed in furtherance of a criminal conspiracy. As per the version of the prosecution, the complainant was induced to part with substantial amounts of money on the assurance that his son and daughter would be sent abroad and settled in Canada. The narrative in the FIR further reflects that the payments were allegedly made on different dates and the complainant was continuously assured by the accused persons that the immigration process was underway. Furthermore, the documents relating to medical examination were allegedly manipulated and false assurances have been made to the complainant for a considerable period of time with regard to sending his children abroad. At this stage, the role attributed to the present petitioner cannot be said to be merely insignificant. The petitioner has been specifically named in the FIR and allegations have been levelled regarding her active participation along with the co-accused in inducing the complainant and receiving money under false assurances. The plea of the petitioner that no amount has been transferred into her bank account would not, by itself, absolve her of criminal liability when the prosecution alleges that the amounts have been received in cash and the offence have been committed in furtherance of a common intention and conspiracy. The plea regarding delay in registration of the FIR also does not persuade this Court at this stage as the same would be a matter to be examined during the course of trial on the basis of evidence led by the parties. The first petition (for grant of anticipatory bail) preferred by the petitioner was dismissed as

withdrawn by this Court on 23.04.2026. 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 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. There is another aspect *nay* vital aspect of the matter which deserves to be addressed by this Court.

Indubitably, the first petition was dismissed as withdrawn on 23.04.2026 and the instant petition has been preferred after a gap of approximately 21 days i.e. 14.05.2026. It is evident that the petitioner has deliberately evaded the process of law for the said period particularly when the petitioner has made a statement before this Court at the time of withdrawal of her first petition that she would cause appearance before the concerned Court within 07 working days and prefer an appropriate application seeking bail. 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 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 her 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. 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. 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), Ludhiana within four weeks from today. In case such costs are deposited; CJM, Ludhiana shall have the same remitted to Punjab State Legal Services Authority, Mohali. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Ludhiana is directed to intimate the Deputy Commissioner, Ludhiana who shall have such costs recovered from the petitioner as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Ludhiana shall have the same submitted to CJM, Ludhiana, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Ludhiana as also Deputy Commissioner, Ludhiana to this Court accordingly.

(ii) Registry is directed to transmit a copy of this judgment to the petitioner; CJM, Ludhiana as also Deputy Commissioner, Ludhiana for requisite compliance.

(iii) 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.

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

(SUMEET GOEL)
JUDGE

May 15, 2026
Ajay

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