

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-18149-2015
Date of decision:10.7.2015

Mehar Din

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.R.P.Dhir, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.41 dated 8.4.2015 registered under Sections 406, 420, 465, 467, 468 and 120-B of the Indian Penal Code at Police Station, Sadar Hoshiarpur.

This is the third petition in a row filed under Section 438 Cr.P.C., at the instance of the petitioner. First one was CRM-M-13826-2015 (Mehar Din v. State of Punjab) which was argued by the learned counsel for the petitioner at length and when this Court was not agreeing with him, he sought permission of the Court to withdraw the petition without seeking any liberty to file fresh one. Accepting his request, this Court passed the following order on 30.4.2015:-

“Petitioner seeks pre-arrest bail in FIR No.41 dated 8.4.2016 under Sections 406/420/465/467/468/120-B IPC registered at Police Station, Sadar, District Hoshiarpur.

After arguing the case for some time, learned counsel for the petitioners seeks permission of the Court to withdraw the present petition.

Permission is granted.

Dismissed as withdrawn.”

Thereafter, petitioner filed the second petition under Section 438 Cr.P.C., seeking anticipatory bail in this very FIR. However, during the course of hearing, when learned counsel for the petitioner was confronted as to why the above-said order dated 30.4.2015 was not brought to the notice of this Court, he again sought permission of the Court to withdraw the said petition. The second anticipatory bail petition bearing CRM-16410-2015 (Mehtar Din v. State of Punjab) was ordered to be dismissed as withdrawn vide order dated 20.5.2015, which reads as under:-

“After arguing the case for some time, learned counsel for the petitioners seeks permission of the Court to withdraw the present petition with liberty to file fresh one with better particulars by placing on record copy of the order passed in CRM-M-13826 of 2015, filed by the petitioner himself.

Permission is granted.

Dismissed as withdrawn, with liberty as prayed for.

Now this is the third petition under Section 438 Cr.P.C. seeking anticipatory bail.

During the course of hearing, learned counsel for the petitioner refers to the order dated 6.5.2015 passed by this Court at Annexure P-6 in CRM-M-14219-2015 (Narinder Singh Dhama v. State of Punjab and others), whereby co-accused of the petitioner was granted the concession of anticipatory bail by this Court. He submits that case of the petitioner is on better footing than his co-accused Narinder Singh Dhama. However, when a pointed question was put to the learned counsel for the petitioner as to how this third petition under Section 438 Cr.P.C. is maintainable, without there being any change in the circumstances, he had no answer and rightly so, it being a matter of record. He prays for withdrawal of the petition.

Although in the circumstances of the case, the instant petition would have been dismissed with exemplary cost, yet in the interest of justice and on repeated requests having been made by the learned counsel for the petitioner that it may reflect on his career, permission sought is granted.

Dismissed as withdrawn.

10.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE