

In the High Court of Punjab and Haryana at Chandigarh

**Crl. Misc. No. M-38663 of 2016
Date of Decision: 16.11.2016**

Chamkaur Singh and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioners.

ANITA CHAUDHRY, J(ORAL)

This is the second petition seeking anticipatory bail in case FIR No. 146 dated 17.9.2015, registered under Sections 306, 34 IPC Police Station Dayalpura, District Bathinda.

The first petition was dismissed on merits in November 2015. The petitioners have failed to surrender and have approached this Court again on the ground that the complainant has clarified his position before the panchayat and had given an affidavit on 6.10.2016 that he had no objection if the petitioners were granted bail and the statement given to the police was under some misconception.

The petitioner was asked to make his submission with respect to the maintainability of the second petition when the first petition had been dismissed on merits.

The counsel refers to '*Aneesh versus State of Kerala 2014(3) R.C.R. (Criminal) 454, Yogesh Gupta versus State NCT of Delhi 2015(4) JCC 2685 and Jitendra Singh versus State of Rajasthan 2010(10) R.C.R. (Criminal) 237* and urges that the second application for anticipatory bail

would be maintainable and there is no absolute bar particularly when there is change of circumstances.

I have gone through the judgments referred to by the petitioners. None of them are applicable to the facts of the present case. The first bail application was not withdrawn and it was dismissed on merits. The petitioners have tampered with evidence and are stated to have procured an affidavit from the complainant. The correctness of the affidavit is not to be examined here. There is no change of the circumstances. The second application for anticipatory bail is not maintainable and is dismissed.

(ANITA CHAUDHRY)
JUDGE

November 16, 2016
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No