

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

Sr. No.101

**CRM-M-2539-2018**

**Date of decision : 16.04.2018**

Sukhmander Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. Amaninder S. Sekhon, Advocate, for the petitioner.

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**SUDHIR MITTAL, J. (Oral)**

The petitioner seeks anticipatory bail in case FIR No.53 dated 02.08.2016, registered at Police Station Bariwala, District Sri Muktsar Sahib, under Sections 324/323/506/452/148/149 and 506 IPC.

It is not in dispute that this is the second petition filed by the petitioner for anticipatory bail. The earlier petition was dismissed in default vide order dated 31.07.2018 on account of continued absence of counsel for the petitioner. An application was filed for recalling the said order, which was dismissed as withdrawn vide order dated 15.01.2018. Thereafter, the present petition has been filed.

Learned counsel for the petitioner was given time on earlier occasions, to satisfy this Court regarding the maintainability of the second petition when there were no changed circumstances.

Today, learned counsel for the petitioner has submitted that application for recalling was not maintainable in view of Section 362 Cr.P.C. and therefore, while permitting withdrawal of the said application, the Court had granted liberty to avail whatever remedy was available in law.

If a remedy is available in law, the petitioner is entitled to avail the said

remedy. However, the second petition without any change in circumstances is not maintainable. Therefore, the present petition is not maintainable and is dismissed.

(SUDHIR MITTAL)  
JUDGE

16.04.2018

Ramandeep Singh

Whether speaking / reasoned  
Whether Reportable

Yes / No  
Yes/ No