

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-5521-2019 (O&M)
Date of Decision:- 27.8.2019

Harpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikas Bahl, Senior Advocate with
Mr. Atul Goyal, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. S.P.S.Sidhu, Advocate, for respondent No.2.

GURVINDER SINGH GILL, J. (Oral)

1. This is the second petition filed on behalf of the petitioner, seeking grant of anticipatory bail in respect of FIR No. 141, dated 30.11.2017, registered at Police Station Phase XI, SAS Nagar (Mohali), under Sections 406 and 498-A IPC (Section 193 IPC added later on).
2. It may here be mentioned that the petitioner had earlier filed another petition seeking grant of anticipatory bail i.e. CRM-M-428-2018,

wherein vide order dated 10.1.2018 (Annexure P-12), he had been granted interim bail.

3. Pursuant to the said order, the petitioner appeared before the trial Court and furnished bail bonds which were accepted, as would be evident from order dated 9.10.2018 (Annexure P-14). The said order passed by learned Additional Chief Judicial Magistrate, SAS Nagar, reads as follows:

“File taken up today on an application moved by applicants/accused-Harpreet Singh and Lakhbir Kaur for furnishing bail bonds/surety bonds. Copy of order dated 10.01.2018 passed by Hon’ble High Court and copy of order dated 02.01.2018 passed by the Court of Ld. Additional Sessions Judge, Mohali have been plaed on case file vide which accused Harpreet Singh and Lakhbir Kaur have been released on bail respectively. In compliance with the aforesaid orders, they are directed to furnish bail bonds in the sum of Rs.40,000/- with one surety in the like amount each. Bail bonds and surety bonds furnished which are accepted and attested. File be put up on 01.11.2018 the date already fixed.”

4. It appears that subsequently the learned counsel for the petitioner in CRM-M-428-2018, made a submission before this Court on 21.1.2019 that since the petitioner has already been granted bail, he may be permitted to withdraw the petition as the same had been rendered infructuous. The order dated 21.1.2019 (Annexure P-15) reads as follows:

“Learned counsel for the petitioner submits that the petitioner has already been granted regular bail,

therefore, he wants to withdraw the petition as the same has rendered infructuous.

Dismissed as withdrawn.”

5. It is apparently on account of some misconception or some mistaken belief that the aforesaid statement came to be made since the petitioner at that point of time had been released on interim bail, on the basis of an interim order dated 10.1.2018 passed by this Court in CRM-M-428-2018.
6. It was in these circumstances that the petitioner filed the present petition for the second time. There can possibly be no dispute that under no normal circumstances a second petition under Section 438 Cr.P.C. cannot be entertained. However, in view of the above mentioned peculiar circumstances, this Court is of the opinion that the earlier petition had been withdrawn under some mistaken belief, and thus the present petition filed for the second time, under Section 438 Cr.P.C. is being entertained.
7. The FIR in the present case was lodged at the instance of respondent No.2-Deepinder Kaur, who is the complainant.
8. The allegations, in nutshell, are to the effect that the petitioner had been harassing the complainant in order to press upon his demands of dowry and had also misappropriated articles of *istridhan*. Since challan has already been presented and the petitioner has been appearing before the trial Court, there is no case for detention of the petitioner, at this stage. The petition, as such, is accepted and interim directions issued vide order dated 6.2.2019 are made absolute subject

to the condition that the petitioner shall regularly appear before the Trial Court and shall abide by any such condition as may be imposed by learned Trial Court.

9. The present petition stands accepted accordingly.

August 27, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No