

102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39133-2020
Date of Decision: 26.11.2020

JAGDEEP SINGH @ GULLU MANN AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.G.P.S. Ghuman, Advocate for the petitioners
Mr.Amit Mehta, Sr.DAG Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition is the second one qua petitioner No.1 and the third one qua petitioner No.2 filed by them under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.150 dated 10.09.2020 registered under Sections 458, 323, 509, 506, 34 IPC and Sections 25 & 27 of the Arms Act, 1959 at Police Station City-I Mansa, District Mansa.

The case of the prosecution is that on 9.9.2020 at about 9 pm, petitioner No.1 armed with the pistol, along with petitioner No.2, entered the complainant's house and after abusing and manhandling the family of the complainant while brandishing a pistol, issued threats to them at the behest of the family of the girl with whom complainant's elder brother Harpreet Singh recently had a love marriage.

Petitioner No.1 had earlier approached this Court for the grant of anticipatory bail through CRM-M-29741-2020 which was dismissed on

13.10.2020 through the following order:-

“Case taken up through Video Conferencing.

The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

Without there being any change in circumstance, except filing of a formal representation by petitioner No.1's father to the police claiming therein petitioner No.1's innocence, the present petition has been filed for the same relief.

So far petitioner No.2 is concerned his first petition filed jointly with petitioner No.1 being CRM-M-29741-2020 was dismissed on 13.10.2020 through the afore reproduced order. Without there being any change in circumstance, except filing of a formal representation by petitioner No.2's wife to the police claiming his innocence, he again approached this Court for the grant of anticipatory bail through CRM-M-36431-2020 which was dismissed on 06.11.2020 and the relevant portion of such order reads as under:-

“The petitioner along with co-accused Jagdeep @ Guloo Maan had earlier approached this Court for the grant of anticipatory bail through CRM-M-29741-2020 which was dismissed on 13.10.2020 through the following order:-

“Case taken up through Video Conferencing.

The arguments raised on behalf of the petitioners having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioners, learned counsel for the petitioners seeks to withdraw the present petition.

*Permitted to do so.
Dismissed as withdrawn.”*

A perusal of the afore quoted order clearly reveals that the petitioner's petition for anticipatory bail was argued before this Court but there being no favourable response from the Bench learned counsel for the petitioner had sought and got permission to withdraw the petition for the reason that a decision on merits may prejudice the petitioner's case. No change in circumstance after 13.10.2020 has been brought to the notice of this Court except a formal representation made by the wife of the petitioner to the police claiming therein the petitioner's innocence.

The allegations against the petitioner are serious. After dismissal of the petitioner's earlier petition filed by him for the same relief there is virtually no change in circumstances. Admittedly, the petitioner is involved in a case under the NDPS Act and another case of armed dacoity and while misusing the concession of bail granted to him in the above cases the petitioner is alleged to have committed the crime which is the subject matter of the present FIR.

In view of the above, the present petition is found devoid of any merit.

Dismissed.”

Without there being any change after the passing of the afore quoted order dated 06.11.2020 the present petition has been filed for the third time for the same relief.

The petitioners had filed a joint petition for anticipatory bail being CRM-M-29741-2020 which was argued at length before this Court but finding no favourable response from the Bench learned counsel for the petitioners had sought and got permission to withdraw their petition lest the observations which may have been made by the Court on merits prejudice the petitioners' case at a later stage.

Without there being any change warranting filing of another petition petitioner No.1 has filed the present petition claiming therein the above relief.

So far as petitioner No.2 is concerned he had approached this Court for the second time through CRM-M-36431-2020 - *Vicky Sony Bhagat @ Anmol Singh vs. State of Punjab* which petition was dismissed not only on the ground that there was no substantial change in circumstance but also on merits. Without there being any change in circumstance thereafter petitioner No.2 has again sought the same relief through the present petition.

The above narration of facts speak for themselves that after the dismissal of the petitioners' petition(s), filed by them for anticipatory bail, without any change in circumstance, they have repeatedly approached the Court for the same relief resulting in the abuse of this Court's jurisdiction for grant of anticipatory bail.

In view of the above and because there are serious allegations against the petitioners of having trespassed into the house of the complainant and then issued threats with fire arms as also on account of the petitioners' criminal antecedents which include pending criminal cases against petitioner No.2 under the Narcotic Drugs and Psychotropic Substances Act, 1985 and for armed dacoity and four criminal cases against petitioner No.1 (in which he has been acquitted in two, cancellation report was filed in one and one was quashed on the basis of a compromise) this Court is of the opinion that the petitioners do not deserve to be granted the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made by this Court to decide the present petition seeking anticipatory bail in which investigation is still going on and therefore these observations be not construed as opinion on the merits of the case.

26.11.2020
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No