

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

(Sr. No.111)

CRM-M No. 5546 of 2021

Date of decision : 01.03.2021

Gursewak Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Rishav Jain, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Jasinder Singh Thind, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The first petition filed by the petitioner under Section 438 Cr.P.C. seeking therein anticipatory bail in the FIR in question was CRM-M-16614-2019–Gursewak Singh Vs. State of Punjab, which was dismissed by this Court on 11.04.2019 through the following order : -

“After arguing for some time and observing that this Court is not inclined to give any relief to the petitioner learned counsel for the petitioner prays for permission to withdraw this petition.

Allowed as prayed for. The present petition stands dismissed as withdrawn.

Since the main case has been dismissed as withdrawn, the pending criminal miscellaneous application, if any, also stands dismissed as such.”

A perusal of afore-quoted order reveals that the submissions

made on behalf of the petitioner for the grant of anticipatory bail having not received a favourable response from the Bench and to avoid any adverse finding from this Court which could have later prejudiced the petitioner learned counsel for the petitioner withdrew the petition.

Without there being any change in circumstance after the withdrawal of his first petition the petitioner again approached this Court for the grant of same relief through CRM-M-26548-2019–Gursewak Singh Vs. State of Punjab.

Since there was no change in circumstance after the withdrawal of his first petition as also for the reason that whereabouts of complainant's son were not known for the last about two years on account of the petitioner having sent him abroad without proper documentation, this Court dismissed the petitioner's second petition for anticipatory bail on 26.11.2019 and the operating part of such order reads as under:-

“Admittedly, earlier bail application filed by the petitioner was withdrawn. As per submission of learned State counsel, whereabouts of son of complainant are not known for the last 2 years and are to be verified from the petitioner, who, as alleged, was instrumental in sending him to Italy via Turkey on receipt of Rs.9,50,000/-.

Keeping in view the above facts, I do not find any reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to the petitioner.

This petition has no merits. Dismissed.”

The present petition which is the third one for the same cause has been filed again without there being any change in circumstance after the dismissal of the first two petitions.

Learned counsel for the petitioner submits that the petitioner is willing to pay to the complainant a part of the amount which is alleged to have been paid by the complainant to the petitioner for sending the complainant's son abroad which offer is outrightly rejected by the complainant.

In view of there being no change in circumstance after the dismissal of the petitioner's two earlier petitions filed by him for the same relief and for the reason that the petitioner is alleged to have defrauded the complainant by demanding and receiving Rs.9.50 lakh from him to get his son immigrated to Italy but instead sending him to Turkey and that too on false documentation leading to his arrest in Turkey, where he is allegedly still in jail, this Court is not inclined to grant the petitioner any relief.

Dismissed.

01.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No