

**CRM No.11301 of 2022 in/and
CRM-M-10137 of 2022**

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

109

**CRM No.11301 of 2022 in/and
CRM-M-10137 of 2022
Date of decision:30.03.2022**

Mandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manpreet Singh Longia, Advocate
for the applicant-petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

SUVIR SEHGAL, J. (Oral)

CRM No.11301 of 2022

Prayer in the application is for preponement of hearing of the main case, which is fixed for 23.05.2022.

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed from 23.05.2022 to today and it is ordered to be taken up on Board.

CRM-M-10137 of 2022

This is the second petition filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.83 dated 18.05.2021 registered under Sections 376, 511, 328, 506 of Indian Penal Code, 1860 and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Machhiwara Sahib, District Ludhiana

(Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of a 13 years old girl on the allegation that she met Mandeep Singh (present petitioner) at Gurudwara Sahib, who caught hold of her arm and indulged in indecent activities with her despite the fact that she stopped him from doing so. On 15.05.2021, the accused petitioner handed her sleeping pills, which on his asking, she mixed in food and milk of her family. At 1.30 a.m., on 16.05.2021, when her family was fast asleep, Mandeep came to her house, forcibly lifted her and took her to the roof top of his house where cot and mattress were already kept. He gagged her, touched her inappropriately and tried to remove her lower with the intention of raping her. She resisted and ran away from the spot.

Heard counsel for the parties.

The first petition (CRM-M-54617 of 2021) was withdrawn after arguments on 11.01.2022 (Annexure P-12). Reliance placed by counsel for the petitioner upon the testimony of the prosecutrix which was recorded on 01.10.2021 will not help him as the prosecutrix has supported the version of the prosecution. Even compromise (Annexure P-13) which is alleged to have been executed on 21.01.2022 is doubtful as the compromise appears to have been procured after the recording of the testimony of the prosecutrix. There is no change in the fact-situation or circumstances after dismissal of the first petition. Filing of the subsequent petition within two months of the dismissal of the first one amounts to seeking review of the earlier order,

which is not permissible in criminal law as has been held by Supreme Court in **Hari Singh Mann Vs. Harbhajan Singh Bajwa (2001) 1 SCC 169; State of Madhya Pradesh Vs. Kajad, 2001 SCC (Criminal) 1520 and State of Maharashtra Vs. Buddhikota Subha Rao 1989 Suppl. (2) SCC 605.**

Petition is dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

March 30, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>