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

**CRM-M-17864-2022**  
**Date of Decision: 29.04.2022**

Gurjant Singh @ Janta

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. K.B.S. Mann, Advocate, for the petitioner.

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**JASGURPREET SINGH PURI, J. (Oral)**

The present is the second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.47 dated 20.04.2020, under Sections 452, 307, 427, 323, 506, 148, 149 of IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

As per the FIR which was lodged on the basis of statement made by one Hitesh Mangla that he is partner of one Aggarwal Agro Industry at Kollianwali and at about 1.00 P.M he was present in his office, then in front of the door of their Rice Mill, one XUV 500 Jeep silver colour and one Zen car came there and stopped. The driver of XUV 500 Mandeep Singh alongwith his brother Kuldeep Singh and two unidentified persons came out of the vehicle. These all persons were armed with sticks and rods and from the Zen car, Baljeet Singh @ Gora and Manjeet Singh @ Babbu

then all these persons alongwith (Petitioner) and with three unidentified persons came out who were armed with sticks and rods and among them Gurjant Singh @ Janta (Petitioner) who were armed with gandasi and one Sikander Singh was also armed with stick and they came and after coming there they raised lalkara and among them Manjit Singh @ Babbu was also armed with gandasi and rest of them were armed with sticks and rods and entered into their Rice Mill by raising lalkara and started damaging their office and they have also broken all the glasses of the office and monitor of the computer and upon seeing Karanbir Singh @ Karan who is the operator of their sortex machine, Gurjant Singh @ Janta (Petitioner) raised lalkara to teach them a lesson for selling the wheat after stealing the wheat from his house in conspiracy with his brother Sikander Singh. Thereafter the sela operator namely Dalip Kumar and one Mithlesh Rishidev and some other persons of labour came forward to rescue them. Thereafter Gurjant Singh @ Janta (Petitioner) inflicted gandas blow upon Dalip Kumar with intention to kill him which hit him on the back side of the head with its front side. Thereafter Manjit Singh @ Babbu inflicted gandasi blow upon Mithlesh Rishidev which hit him on the back side of his head. Thereafter hue and cry was raised and they ran away with their respective weapons. Thereafter aforesaid injured Dalip Kumar was taken to Civil Hospital for treatment and first aid was also given to Mithlesh Rishidev. Further as per the FIR motive behind the occurrence was that Sikander Singh had stolen the wheat from his house and sold it and they had the suspicion that Karanbir Singh @ Karna had sold the wheat crop after stealing it.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case and even otherwise as per the MLR the injury attributable to Dalip Kumar was not dangerous to life it was only grievous in nature. He further submitted that even the petitioner has also received injuries and a DDR was also registered in this regard. He further submitted that earlier the petitioner has also filed a petition before this Court for grant of anticipatory bail vide CRM-M-33587-2021 vide Annexure P-2 and had withdrawn the petition on 10.01.2022.

Mr. Davinder Bir Singh, learned DAG, Punjab has submitted that he has received an advance copy of the present petition and he has gone through the same and has also sought instructions from ASI Baljinder Singh. He further submitted that the present petition is not maintainable on the face of it on two counts. He submitted that firstly, the petitioner had earlier filed petition for grant of anticipatory bail before this Court which he withdrew on 10.01.2022 vide Annexure P-2 and thereafter, there is neither any change of circumstance nor any supervening factor for filing the present petition. Secondly, the petitioner had been absconding and he has been declared as a proclaimed person on 20.04.2022 and has also supplied a photocopy of the order passed by the learned JMIC, Malout. Photocopy of the order as supplied by the learned State counsel is hereby placed on record as Mark-X. He further submitted that therefore the present petition is not maintainable especially in view of the law laid down by the Hon'ble Supreme Court in *State of Madhya Pradesh Versus Pardeep Sharma [2014(1) SCC (Criminal) 768]*.

I have heard the learned counsel for the parties.

The petitioner approached the learned Additional Sessions

Judge, Sri Mukhtar Sahib and his anticipatory bail was dismissed on 09.09.2021 vide Annexure P-1. Thereafter, he approached this Court and his anticipatory bail was withdrawn by him in CRM-M-53587-2021 vide Annexure P-2 on 10.01.2022. A perusal of the contents of this petition as well as hearing the arguments advanced by the learned counsel for the petitioner it appears that there is neither any change of circumstance nor supervening factor for filing the present petition. All the grounds which have been taken in the petition pertain to the merits of the case and a reference only has been made that earlier the petitioner had withdrawn the petition. Therefore, there is no justification for filing a second petition after withdrawing the earlier petition on 10.01.2022. It is not a case that there is any specified reason or a circumstance for filing and maintaining the present petition in which case this Court can always consider the same in accordance with law but filing of a another petition after withdrawing the first petition without any supervening or special circumstance amounts to be abuse of the process of law. Apart from the same, the petitioner had been absconding and now he has been declared as a proclaimed person on 20.04.2022 vide Mark-X and in view of the law laid down by the Hon'ble Supreme Court in *State of Madhya Pradesh Versus Pardeep Sharma(Supra)*, even otherwise also the present petition is not maintainable.

It appears that the petitioner has moved this anticipatory bail petition on 20.04.2022 and his affidavit is also dated 20.04.2022 and on the same date i.e on 20.04.2022 he has been declared as a proclaimed person and, therefore, it appears that instead of submitting to the police, he has chosen to file the present petition after withdrawing the earlier one. The

conduct of the petitioner is highly deprecated.

In view of the aforesaid position, the present petition is hereby dismissed with Rs. 20,000/- as costs. The costs shall be deposited by the petitioner before the Chief Judicial Magistrate, Sri Muktsar Sahib within a period of 90 days from today. On the deposit of the same, the Chief Judicial Magistrate, Sri Muktsar Sahib shall remit the said costs to the Punjab State Legal Services Authority. In case the costs are not deposited, then Chief Judicial Magistrate, Sri Muktsar Sahib shall further proceed for recovery of the costs in accordance with law.

Copy of this order be sent to the Chief Judicial Magistrate, Sri Muktsar Sahib.

**29.04.2022**

rakesh

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |