

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

(105)

CRM-M-33846-2022

Date of decision: 03.08.2022

Gurpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Bali, Advocate for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

This is the second petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 seeking grant of anticipatory bail in FIR No.108 dated 18.10.2021, registered at Police Station Hatur, District Ludhiana (Annexure P-1) for offences under Sections 307, 354, 294, 427, 323, 458, 506, 148, 149, IPC, wherein Section 302, IPC, was added lateron.

Heard counsel for the petitioner.

It has been alleged in the FIR that with an intention to kill, petitioner hit the father of the complainant with a wooden rod, on his head above the ear and he started bleeding profusely. Co-accused, who were armed with Gandasi and iron rod, damaged the vehicle, which was parked in the premises. When another car was brought to take the injured to the hospital, the petitioner and co-accused broke

the window glasses of the car and created a situation of terror. The complainant somehow managed to shift his father to the hospital, where he subsequently expired.

Death has occurred due to injury inflicted on the deceased and petitioner is one of the two prime accused. Keeping in view the seriousness of allegation against the petitioner, he is not entitled to the grant of discretionary relief of anticipatory bail.

Petitioner is on the run. FIR was registered 9 months back. First petition preferred by the petitioner was withdrawn, after arguments, vide order dated 23.05.2022, Annexure P-2. Nothing could be brought forth to justify filing of the fresh petition merely two months after dismissal of the first one. There being no change in the circumstances, second petition filed by the petitioner would be deemed to be seeking a review of the earlier order, which is not permissible in criminal law, as has been held by the Hon’ble Supreme Court in ***Hari Singh Mann Versus Harbhajan Singh Bajwa (2001) 1 SCC 169; State of Madhya Pradesh Versus Kajad 2001 SCC (Criminal) 1520 and State of Maharashtra Versus Capt. Buddhikota Subha Rao 1989 Supl. (2) SCC 605.*** Resultantly, instant petition cannot be entertained and is hereby dismissed.

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

(SUVIR SEHGAL)
JUDGE

03.08.2022
Pardeep

Whether speaking/ reasoned	Yes
Whether Reportable	Yes