

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

CRM-M-45461-2022 (O&M)
Date of Decision:- 29.9.2022

Amandeep Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab

GURVINDER SINGH GILL, J.

1. This is the second attempt on part of the petitioner Mandeep Kaur to seek anticipatory bail in respect of a case registered against her vide FIR No. 75 dated 21.7.2022 under Sections 420, 406/120-B IPC at Police Station Payal, Khanna, District Ludhiana.
2. The allegations, in nutshell, are to the effect that the petitioner along with co-accused had defrauded the complainant Gurmukh Singh of an amount of ₹23 lacs on the pretext of sending him to Canada and had infact handed him a fake VISA.
3. The petitioner had previously filed CRM-M-36579-2022, which was dismissed on 22.8.2022 after hearing the petitioner at length. The order dated 22.8.2022 is reproduced herein under :-

“ After arguing at length, learned counsel for the petitioner submits that he may be permitted to withdraw the present

petition with liberty to surrender before the trial Court and to move an application for grant of regular bail.

In view of the aforesaid request, the present petition is dismissed as withdrawn with liberty aforesaid.

In case the petitioner surrenders before the trial Court within a period of two weeks from today and moves an application for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously, preferably within a period of one week from filing of such application while duly taking into account the fact that the petitioner is a young lady aged about 25 years.”

4. The aforesaid petition has been filed through Shri Jitender Singh Dadwal, Advocate. Interestingly, after dismissal of the aforesaid petition, an application was filed by the petitioner through another set of four lawyers namely Mr. Lalit Singla, Ms. Varsha Sharma, Mr. Gaurav Singh Rana and Mr. Shivam Garg, praying therein that order dated 22.8.2022 dismissing the petition be recalled on the ground that the petitioner had never instructed his counsel to withdraw the petition. The said application was accompanied by an affidavit of petitioner Mandeep Kaur wherein she admitted the contents of the application to be correct.
5. When the aforesaid application i.e. CRM-34139-2022 was put up before this Court for hearing on 19.9.2022, the learned counsel representing the petitioner withdrew the application. The order dated 19.9.2022 reads as follows :-

“Today, at the very outset, the learned counsel for the applicant/petitioner submits that the applicant/petitioner may be permitted to withdraw the present application.

In view of the aforesaid submission, the present application is dismissed as withdrawn.”

6. The present petition has now again been filed by the petitioner Mandeep Kaur through yet another different counsel seeking grant of anticipatory bail. Upon perusal of the petition, this Court does not find any substantial change in circumstances so as to justify entertaining the said petition.
7. It needs to be mentioned that when the first petition was filed, the power of attorney signed by the petitioner in favour of her counsel Mr. Jitender Singh Dadwal, duly authorized the counsel to withdraw any such case on her behalf.
8. In these circumstances, filing of an application to recall the order dated 22.8.2022 through a different counsel on the ground that she had never authorized her counsel, is nothing but an attempt to abuse the process of law. The petitioner has been acting oversmart time and again and has now filed the second petition through another counsel. It is settled position of law that successive petitions under Section 438 Cr.P.C. cannot be entertained unless there is substantial change of circumstances. The aforesaid conduct of the petitioner in filing petitions/applications has resulted in unnecessary wastage of time of the Court.
9. The petition merits dismissal and is hereby dismissed with costs of ₹50,000/- to be deposited in the account of the High Court Legal Services Committee, Chandigarh within a period of three months from today.

29.9.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No