

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2815-2023
Date of Decision: 19.01.2023

SUKHMIT SINGH ALIAS PRINCE

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Akun Sheemar, Advocate for the petitioner
Mr.Arun Luthra, Deputy Advocate General, Punjab

Deepak Sibal, J. (Oral)

For the same relief as claimed in the instant petition the petitioner had earlier approached this Court through CRM-M-43896-2022 – Sukhmit Singh @ Prince vs. State of Punjab which petition of his was dismissed on 22.09.2022 through the following order:-

“The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

Admittedly, there is no change in circumstance after the passing of the afore quoted order. That being so, filing of the present petition is deprecated and the same is in line with the observations of the Supreme Court in its order dated 16.12.2021 in SLP(Crl.) No.9449/2021 Md.Shamim Khan vs. The State of Jharkhand wherein the Supreme Court had deprecated the practice of filing of a second application under Section

438 Cr.P.C. after the rejection of the first without there being any change in circumstance.

Learned counsel for the petitioner submits that the impugned FIR has been lodged after a delay of 21 days; the photograph (Annexure P-3) shows that the petitioner's brother and father received injuries at the behest of the complainant party; that the trip details appended collectively with the petition as Annexure P-4 show that on 06.07.2022 at 8.54 a.m. the petitioner was at Hall Bazar, Amritsar and therefore, he was not likely to be present at the spot when the alleged occurrence is said to have taken place.

The issue of delay was available to the petitioner at the time of rejection of his first petition and in any case in the light of the serious allegations against the petitioner of having caused grievous injuries with a deadly weapon he does not deserve to be granted the concession of anticipatory bail. The photograph of the petitioner's brother and father also do not absolve the petitioner of the crime he is alleged to have committed as such photograph only shows blood on the petitioner's father and some blood on the face of the petitioner's brother. The third issue raised by the petitioner is also of no help to him as he is stated to be in Hall Bazar, Amritsar at 8.54 a.m. whereas the alleged occurrence is stated to be at a distance of about 6/7 kilometers at about 10.00 a.m. Therefore, even if the timeline appended by the petitioner as Annexure P-4 is accepted he could have very well reached the spot at the time when the alleged occurrence is said to have taken place.

Dismissed.

19.01.2023
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No