

CRM-M-7097 of 2023

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

CRM-M-7097 of 2023
Date of decision: 10.02.2023

Jagseer Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioner.
Mr. Adhiraj Singh, AAG, Punjab.
Mr. A.K. Walia, Advocate, for the complainant.

NAMIT KUMAR, J. (ORAL)

Instant second petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.135 dated 15.10.2022 under Sections 307, 323, 427, 506 and 34 IPC, registered at Police Station Sadar Ahmedgarh, Tehsil Ahmedgarh, District Malerkotla.

Present FIR was registered on the statement of complainant Arshdeep Singh son of Gora Singh. He has stated that he is running a mobile accessory shop on main road Ludhiana to Malerkotla at Bus stand Gauspura Dulma. On 12.10.2022 at about 8:10 PM, he was sitting in his shop and three persons entered in his shop. They were petitioner-Jagseer Singh armed with iron rod; Mani Singh son of Mukhtiar Singh r/o Bhogiwal who was armed with hockey and Gora Singh son of Harbans Singh r/o Rauno who was also armed with hockey. These persons with an intention to kill him started beating him. Petitioner with an intention to kill him inflicted

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an iron rod blow on his head which hit his head above the right ear and due to which he fell down on the ground. Thereafter Mani Singh inflicted a hockey blow with an intention to kill him on the left side of his left eye and thereafter Gora Singh inflicted a hockey blow on his head. He raised a raula marta-marta. Thereafter these three persons also damaged the articles lying in his shop and also damaged the counter. Thereafter they ran away from the spot with their respective weapons. The motive for the occurrence is that one year ago an altercation took place between him and petitioner-Jagseer Singh etc. and matter was compromised and due to that grudge accused has inflicted injuries on him.

Learned State counsel, who appears on receipt of advance notice, assisted by learned counsel for the complainant submits that offence attributed to the petitioner is serious in nature. Petitioner is main accused in committing the offence as direct role has been attributed to him and weapons of assault are yet to be recovered. He further submits that out of two injuries inflicted on the person of the complainant by the petitioner, second injury has been declared grievous in nature and the investigation is at the initial stage. He further submits that this second petition has been filed without there being any change of circumstances, therefore, petitioner is not entitled to grant of anticipatory bail.

I have heard learned State counsel as well as learned counsel for the complainant.

The law relating to successive bail applications is well-settled. An accused has right to make successive applications for grant of bail. But the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were

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rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications (See **Kalyan Chandra Sarkar v. Rajesh Ranjan : AIR 2004 SC 1866**). A bail application in a case where earlier applications have been rejected is maintainable only when there is a change in the fact situation or in law which requires the earlier view being interfered with or where the earlier finding has become obsolete (See **Kalyan Chandra Sarkar v. Pappu Yadav : AIR 2005 SC 921**).

Once an application for bail is rejected by a speaking order, the change in circumstance pleaded to maintain a subsequent application shall not be specious but real and genuine (See **G.R. Ananda Babu v. State of Tamil Nadu : 2021 SCC OnLine SC 176**).

A perusal of the averments made in this second bail petition shows that the petitioner has failed to show any better or fresh particulars in support of this petition which were not demonstrated in the earlier petition.

Having considered the above aspects, in the absence of any change in fact situation or law with regard to the case in hand, I find that the petitioner is not entitled to be released on bail at this stage.

Consequently, the petition is dismissed.

10.02.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No