

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

**CRM-M No.30516 of 2023**

Date of decision: 3<sup>rd</sup> July, 2023

Dalvir Singh @ Bala

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

**MANJARI NEHRU KAUL, J. (ORAL)**

This is second petition filed by the petitioner under Section 438 Cr.P.C. in case FIR No.116 dated 22.09.2022 under Sections 324, 323, 341, 506, 148, 149 IPC (Section 326 IPC added later on) registered at Police Station Dirba, District Sangrur.

Learned counsel inter alia contends that subsequent to the dismissal of his previous petition vide order dated 15.03.2023, wherein similar relief had been sought, co-accused Gurtar Singh had been extended the concession of anticipatory bail by a Coordinate Bench of this Court vide order dated 07.06.2023, which has been annexed as Annexure P-8. Learned counsel submits that no doubt when the previous petition was dismissed on merits, learned State counsel had drawn the attention of this Court to the MLR of the complainant, wherein it stood reflected that a pungent smell was found during his

medical examination, however, subsequently, when the FSL report was received, no poisonous substance was detected in the samples sent to it by the Doctor. Learned counsel submits that in the circumstances, there is indeed a material change in circumstances which would warrant acceptance of prayer of the petitioner for extending him the extraordinary concession of anticipatory bail.

Notice of motion.

On the asking of Court, Mr. Amit Rana, Sr. Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent/State.

Learned State counsel, on instructions from ASI Bikar Singh, has however opposed the prayer and submissions made by the counsel opposite. It has been urged by him that the petitioner cannot seek parity with that of co-accused Gurtar Singh and Swranjeet Singh, who have since been extended the concession of anticipatory bail by this Court. Learned State counsel submits that the allegations levelled against the petitioner are of having tried to strangle the complainant with a plastic rope, which in turn finds due corroboration with the Medico Legal Report of the complainant. It has also been submitted that after registration of the FIR in question against the petitioner, he along with other accused have been involved in another criminal case bearing FIR No.9 dated 23.01.2023 under Sections 307, 341, 323, 324, 506, 148, 149 registered at Police Station Dirba, District Sangrur,

wherein, the petitioner along with other persons assaulted the brother of the present complainant and inflicted grievous injuries which were declared to be dangerous to life by the Doctor. It has also been argued that a second anticipatory bail cannot be filed as the previous petition under Section 438 Cr.P.C. was dismissed on merits.

I have heard learned counsel for the parties and perused the relevant material on record.

In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands accordingly dismissed.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**July 3, 2023**  
*rps*

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