

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Decided on : 21.12.2023

CRM-M-64488-2023

Harpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M-64523-2023

Davinder Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Dr. Rau P.S.Girwar, Advocate
for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab.

Mr. H.S.Randhawa, Advocate for
Mr. P.S.Ahluwalia, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

This order will dispose of above-said petitions as both of them have arisen out of same FIR. Brief facts of the case are taken from CRM-M-64488-2023.

2. This is the second application filed by the petitioner seeking concession of anticipatory bail under Section 438 Cr.P.C., in case FIR

No.115 dated 10.10.2023 under Sections 406, 420, 120-B IPC registered at Police Station Anaj Mandi, Patiala. The previous petition wherein similar relief had been sought was dismissed as recently as on 11.12.2023.

3. Learned counsel for the petitioner *inter alia* contends that the previous petition had been dismissed vide order dated 11.12.2023 only on the ground of non-disclosure of the criminal cases pending against the petitioner Harpreet Singh. Learned counsel further submits that there are no criminal cases pending against the petitioner as a closure report has already been filed in one case while in the other case, a petition has been moved seeking quashing of the FIR on the basis of compromise. It has been still further submitted that in the present FIR, a civil dispute between the parties is being given a criminal complexion and thus, the petitioner be extended the concession of extra-ordinary concession of anticipatory bail.

4. Learned State counsel has vehemently opposed the prayer made by the counsel opposite. While questioning the maintainability of the instant petition, it has been argued that it was a matter of record that the previous petition of the petitioner seeking anticipatory bail had been dismissed as recently as on 11.12.2023. It has been further submitted that it was not only on the ground of non-disclosure of criminal cases in that petition the petitioner-Harpreet Singh was denied the concession of anticipatory bail, the previous petition had been dismissed vide a detailed

order after taking into consideration the nature of allegations levelled against the petitioner in the FIR in question. It has still further been submitted that there are grave allegations levelled against the petitioner of having duped the complainant to the tune of more than Rs.One Crore and twenty lakhs. The petitioner executed sworn affidavits and subsequently induced the complainant/GSA Industries to provide them with agricultural equipment; however, the petitioner neither fulfilled the payment obligations in the said regard nor returned the aforesaid equipments to the complainant. Learned State counsel has vehemently prayed for the dismissal of the instant petition as the custodial interrogation of the petitioner is required in the case in hand.

5. Heard learned counsel for the parties and perused the relevant material available on record.

6. On a pointed query put to the learned counsel for the petitioner as to how a successive petition for anticipatory bail was maintainable since the previous petition under Section 438 Cr.P.C. was dismissed on 11.12.2023 on merits, he has failed to satisfy this Court qua the same.

7. In the facts and circumstances as enumerated hereinabove, no ground is made out to entertain the instant petition, which as already observed is their second petition. Accordingly, the present petition stands dismissed.

8. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

21.12.2023
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No