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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21094-2024 (O&M)
Date of decision: 29.04.2024

Manpreet Singh @ Manpreet Singh Mali

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vivek Singla, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The petitioner by way of this second application filed under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) seeks anticipatory bail in case bearing FIR No.120 dated 17.09.2022 under Sections 341, 323, 324, 506, 148, 149 of the Indian Penal Code, 1860 (for short ‘IPC’) (offence under Sections 307, 379-B, 325, 427, 201 of IPC were added later on), registered at Police Station Jaito, District Faridkot.
2. The FIR (*supra*) was registered at the instance of Hardeep Singh on the allegations that he is running a CSC Centre under the name

and style of Komal Service Centre in Village Bishnandi. On 15.09.2022 at about 08:00 PM, after closing his shop, he was coming to his house in the village Ramgarh (Bhagtuana) on the motorcycle bearing registration No.PB-03X9460 TVS Apache. When he reached near brick-kiln at about 08:10 PM, then five persons surrounded his motorcycle and started beating him. That due to the light of his motorcycle on the spot, he could recognized four persons belonging to his village. Their names are Rajinder Singh @ Raja son of Baldev Singh, Manpreet Singh Mali son of Ram Khilari, Bittu son of Deepa Singh and Tej Singh son of Sia Ram, all residents of village Ramgarh (Bhagtuana) and one unknown person accompanied them. Rajinder Singh @ Raja attacked him with 'kappa' carrying in his hand, which hit on his left arm and second attack hit middle of his head. Then Rajinder Singh @ Raja made third attack, which hit his right arm. Manpreet Singh @ Mali attacked him with 'kappa' carried in his hand hitting his right knee and second attack hit his right arm. Then he made third attack, which hit between his chest and belly. Then Bittu attacked the complainant with base-ball carrying in his hand hitting his chest and backside of my belly. Then he again attacked hitting his left knee and one more attack hitting his left leg. Tej Singh attacked with base-ball carrying in his hand hitting backside of his right arm. Tej Singh again attacked on right backside of his neck. Thereafter, unknown person attacked him with stick caught in his hand hitting his right arm and upper portion near fingers. Then he again attacked on his right leg and knee. The

above accused persons snatched his kit bag carrying laptop, cash amount of Rs.26,500/-, keys of the shop and fingerprint machine and by threatening to kill him, ran away from the spot with their weapons. Reason of enmity is that our dispute regarding joint account of land is already pending in the Hon'ble Court and they were compelling us to withdraw the case and in this way, the accused persons in connivance with each other gave beatings and injured him with their weapons. The passerby informed his father Gurnaib Singh regarding the injuries sustained by him and his father reached on the spot in the car, who took him to Civil Hospital, Jaito and got admitted there. After giving first aid, the doctor referred him to Guru Gobind Singh Medical College, Faridkot, where the doctors are treating him.

3. Earlier, the petitioner had moved this Court for grant of anticipatory bail by filing CRM-M-54194-2023, which was dismissed as withdrawn vide order dated 05.01.2024. Now, second petition under Section 438 Cr.P.C. has been filed without there being any change in the factual position.

4. Learned State counsel appears on advance notice and opposes the prayer for grant of anticipatory bail to the petitioner on the ground that earlier petition filed by the petitioner for grant of anticipatory bail was rejected by this Court, as such he ought to have filed a petition for regular bail by surrendering before the learned trial Court and the second anticipatory bail, after rejection of the earlier application in connection with the same case, is not maintainable in the eyes of law.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that serious allegations have been levelled against the petitioner, which include inflicting injuries on vital parts i.e. chest and abdomen with 'kappa', a sharp-edged weapon. The petitioner also dealt a kappa blow on the right knee and right elbow of the complainant. As such, no case is made out for grant of anticipatory bail.

6. Furthermore, entertaining a second application for anticipatory bail would amount to review or reconsideration of the earlier order passed by a Bench having coordinate jurisdiction as the accusations have remained unchanged. Reliance in this regard can be placed upon the judgments delivered by the Hon'ble Supreme Court in *Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav, 2005 (1) RCR (Crl.) 703*, the Full Bench of Calcutta High Court in *Maya Rani Guin and etc. Vs. State of West Bengal, 2003 (1) RCR (Crl.) 774*, the Full Bench of Rajasthan High Court in *Ganesh Raj Vs. State of Rajasthan and others, 2005 (3) RCR (Crl.) 30* and by this Court in *Rashpal Singh Vs. State of Punjab, CRM-M-56246-2023, decided on 09.11.2023*.

7. Learned counsel for the petitioner is unable to spell out any difference with regard to additional facts or circumstances, which were not canvassed earlier. As such, learned counsel for the petitioner wants to re-agitate the same grounds taken in the earlier petition.

8. In view of the settled law discussed above, once the first

anticipatory bail is denied, without there being any change in the factual matrix of a particular case, second application for the same relief under Section 438 Cr.P.C. cannot be entertained by making new arguments or twists or by introducing new circumstances, developments or material. Thus, the second application, without any change in the factual situation of the present case, is held to be not maintainable.

9. As an upshot of the above discussion, present petition stands dismissed being bereft of any merit.

10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

[HARPREET SINGH BRAR]
JUDGE

29.04.2024
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No