

CRM-M-28034 of 2024

2024.PHHC.085423



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

CRM-M-28034 of 2024
Date of decision: 10.07.2024

Jangir Singh @ Jagir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Piyush Sharma, Advocate,
for the petitioner.

Mr. Rajesh Sehgal, Addl. A.G., Punjab.

NAMIT KUMAR, J.

1. Instant third petition has been filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.46 dated 05.04.2023 under Sections 302, 506, 148, 149 IPC, registered at Police Station Guruharsahai, District Ferozepur.

2. Present FIR was registered on the statement of Gulzar Singh that on 03.04.2023, at 2 p.m., *katcha* wall fell on the side of complainant and the vegetable crops got damaged. At this, his wife Amro complained the neighbours about the same, upon which, co-accused Chhinder Singh started abusing them. Nanak Singh asked him to stop from doing so. Mohinder Singh, Manjit Singh, Makhan Singh, Jangir Singh (petitioner), Jiwan Singh and Krishan Singh also came there and they all started abusing the family members. Petitioner-Jangir Singh raised *lalkara* that they be

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caught and should not be spared as earlier also, they had got registered a case against them and they could not do anything to them. At this, Chhinder Singh picked up a brick and with an intention to kill, he hurled the same towards his son Nanak Singh, which struck on the forehead of Nanak Singh and he fell unconscious. Chhinder Singh, Mohinder Singh, Manjit Singh, Makhan Singh, Jangir Singh (petitioner), Jiwan Singh and Krishan Singh started pelting brick-bats and at this, complainant and his family members rescued themselves and raised alarm. At this, number of neighbours assembled there and then accused persons ran away while proclaiming that one of them has been done away and others would be seen in future. Nanak Singh succumbed to his injury.

3. Learned counsel for the petitioner contended that petitioner is innocent and has been falsely implicated in the present case. He further contended that petitioner has been attributed only *lalkara*. There is unexplained delay of two days in lodging the FIR. He further contended that custodial interrogation of the petitioner is not required. He is ready and willing to join the investigation.

4. On the other hand, learned State counsel, who appears on receipt of advance notice, has submitted that besides raising *lalkara*, the petitioner indulged in pelting brick-bats upon the family members of the complainant and son of the complainant succumbed to his injuries. He contended that offence attributed to the petitioner is serious in nature. He further submitted that this third petition has been filed without there being any change of circumstances, therefore, petitioner is not entitled to grant of

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anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

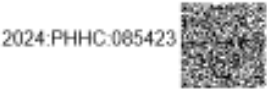
6. This is the third petition for grant of anticipatory bail to the petitioner. First petition i.e. CRM-M-22458 of 2023 was dismissed as withdrawn on 04.05.2023 and second petition i.e. CRM-M-51253 of 2023 was got dismissed as withdrawn on 31.10.2023.

7. 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 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 @ Pappu Yadav : 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. Rajesh Ranjan @ Pappu Yadav : AIR 2005 SC 921**).

8. A perusal of the averments made in this third 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.

9. Having considered the above aspects, in the absence of any

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change in facts, situation or law with regard to the case in hand, I find that the petitioner is not entitled to be granted the concession of anticipatory bail at this stage.

10. Consequently, the petition is dismissed.

10.07.2024
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No