

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

**Criminal Misc. No. M-26576 of 2018
Date of decision: 02.08.2018**

Mohammad Akbar

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rakesh Gupta, Advocate
for the petitioner.

Daya Chaudhary, J. (Oral)

This is the second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.854 dated 20.12.2017 registered under Sections 3/13(1), 8/13(3) of the Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 at Police Station Nuh, District Mewat, Haryana.

Learned counsel for the petitioner submits that the earlier petition filed by the petitioner for grant of anticipatory bail was dismissed as withdrawn and the present petition has been filed on the ground that earlier petition was not dismissed on merits. Learned counsel has also relied upon judgment rendered by Hon'ble the Apex Court in ***Rani Dudeja vs. State of Haryana, 2017 Cri. L.R. 335*** in support of his contentions wherein it has been stated that second petition is maintainable if the earlier petition has not been dismissed on merits.

On perusal of said judgment, it appears that the second petition is maintainable under changed circumstances but in the present petition,

there is no change in circumstances.

Learned counsel for the petitioner has been asked to show as to what are the changed circumstances after withdrawal of the earlier petition but he was not able to show any change circumstance.

Accordingly, the second petition cannot be entertained in absence of any change circumstance.

Dismissed.

02.08.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No