

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

Sr. No.101

CRM-M-3674-2018

Date of decision : 22.03.2018

Pohap Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ankush Chowdhary, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks anticipatory bail in case FIR No.1342 dated 19.12.2014, registered at Police Station City Gurgaon, District Gurgaon, under Sections 201, 420, 467, 468, 471, 120-B, 409 and 379 IPC.

As per the allegations in the FIR, which was registered on the basis of a fact finding enquiry report dated 26.11.2014 given by Sh. J.V. Gupta, Addl. District & Sessions Judge, Gurgaon, the petitioner alongwith others is accused of forging a Court decree.

The petitioner had earlier approached this Court vide CRM-M-46809-2017, but the same was dismissed as withdrawn vide order dated 22.12.2017. Thereafter, the present petition was instituted on 24.01.2018. On 19.02.2018, I asked learned counsel for the petitioner to cite law in support of his submission that the second petition for anticipatory bail was maintainable. Today, learned counsel has cited 'Aneesh Vs. State of Kerala, 2014(3) RCR (Crl.) 454', a Division Bench judgment of the Kerala High Court.

I have gone through the said judgment with the assistance of the learned counsel for the petitioner. It only says that in case an earlier petition for anticipatory bail is dismissed as withdrawn, there is no absolute bar in filing a second petition so long as the circumstances of the case permit/necessitate filing of a second petition.

Learned counsel for the petitioner was asked regarding the circumstances, which have necessitated filing of second petition within less than one month of the order of withdrawal, but he has not been able to give any satisfactory answer. Change in counsel does not provide sufficient cause for filing a second petition. Reliance has also been placed upon 'Dharmendra Rao Vs. State of M.P., 1993(2), MPJR 98,' 'Sukhpal Singh Vs. State of Punjab, 2005(1), RCR (Crl.), 638' as well as judgment dated 03.04.2017 passed in 'CRM-M-9524-2017 (O&M)'.

None of these judgments lays down the law that a second petition for anticipatory bail is maintainable, even if there are no changed circumstances. All these judgments have been passed in the facts and circumstances of the respective cases.

In view of the above, this petition is dismissed as not maintainable.

(SUDHIR MITTAL)
JUDGE

22.03.2018
Ramandeep Singh