

CRM-M-22760-2020 (O&M)

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

**CRM-M-22760-2020 (O&M).
Decided on: August 20, 2020.**

Harish Kumar

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.K.S.Sekhon, Advocate,
for the petitioner.**

Mr.P.S.Walia, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present second petition under Section 438 Cr.P.C., has been filed by the petitioner for the grant of anticipatory bail in case FIR No.45 dated 27.03.2016, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 14 of the Foreigners Act, 1946) added later on, registered at Police Station Sadar, Fazilka, District Fazilka.

I have heard the learned counsel for the parties through

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video conference and perused the record.

The petitioner had earlier also filed a petition for the grant of anticipatory bail vide CRM-M-2811 of 2020, titled as “Harish Kumar Vs. State of Punjab”, which was dismissed by this Court on merits, on 24.01.2020. The operative part of the order dated 24.01.2020, is reproduced as under:-

I have heard learned counsel for the petitioner. Vide Annexure P-2 petitioner was absent from the Court and therefore, non-bailable warrants of arrest was issued against him, on 20.09.2019. Petitioner was already on bail which was granted to him on 26.08.2016 by this Court vide Annexure P-1 but still he did not present himself before the Court.

The argument of learned counsel for the petitioner that he could not present himself before the Court on that day due to serious illness does not justify his absence, as the order Annexure P-2 itself records that the petitioner was present in the premises of the court since morning but he did not appear when the present case before the learned Trial Court had called up and that he had conspicuously gone absent and failed to appear before the court. Even otherwise also, vide Annexure P-2 order was passed on 12.09.2019 thereafter, according to learned counsel for the petitioner, seven dates have passed by and it is almost 04 months that he is on the run and he has not appeared, even on subsequent dates. In the present case, there is allegation of recovery of heroin which was recovered from a polythene bag and a case under NDPS Act as well as under the Foreigners Amendment Act, 2004 was

registered against him. Therefore, the matter being serious in nature, conduct of the accused is not acceptable. Instead of surrendering before the court he has filed the present petition for anticipatory bail which is devoid of any merit.

In view of the above stated facts and circumstances, this Court is not inclined to interfere in the present petition and therefore, it is hereby dismissed.

The present petition is the second petition for the grant of anticipatory bail which has been filed by the petitioner. From the perusal of the pleadings in the petition as well as considering the arguments raised by the learned counsel for the petitioner, it cannot be said that any fresh ground or change of circumstance for the grant of anticipatory bail, is made out. It is settled law that although successive bail applications are permissible under the law but the same would be maintainable only when there is any change of circumstance or any justifiable reason or ground to maintain the second petition for the grant of anticipatory bail. In the present case, however, no change of circumstance or any other reasonable or justifiable ground is made out and therefore, the present second petition for the grant of anticipatory bail is hereby dismissed.

August 20, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No