

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

**CRM-M-34864 of 2021  
Date of Decision: 26.08.2021**

Gaurav Khanduja

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Ms. Amandeep Kaur Gill, Advocate for the petitioner.  
Ms. Dimple Jain, DAG, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

The matter is taken up for hearing through video conference due to COVID-19 situation.

This second petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 173 dated 30.7.2021, under Section 22(c) of NDPS Act, 1985 (Notification No. 61) (Section 27-A of NDPS Act, 1985 added later on), registered at Police Station Sadar Rattia, District Fatehabad.

The petitioner earlier filed CRM-M-32930 of 2021. The prayer for anticipatory bail was declined by passing a order on 16.8.2021. In the present petition, in the heading it is mentioned that this is second bail petition. Paragraph No. 12 of the petition is reproduced below:

*“”12. That no such or similar petition has earlier been filed by the petitioner either in this Hon'ble Court or in the Hon'ble Supreme Court of India and in any of Sessions Court except CRM-8084 of 2021 which was dismissed as withdrawn.”*

In the pleadings, CRM-M No. is wrongly mentioned. It is stated that earlier petition was dismissed as withdrawn. It would be appropriate to note that the order passed by this court has not been annexed

with the petition.

The earlier petition was filed through another counsel who argued the matter and the order dismissing the petition was passed on merits. Without there any change in circumstances, merely by change of counsel an attempt has been made to over-reach the court by twisting the facts and withholding the relevant orders from the court.

Considering the conduct of the petitioner, the petition is dismissed with cost of Rs.20,000/- to be deposited in Punjab & Haryana High Court Lawyers Welfare Fund.

**[AVNEESH JHINGAN]**  
**JUDGE**

**26<sup>th</sup> August, 2021**  
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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |