

CRM-M-44123-2021 (O&M)

Through video conference

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

**CRM-M-44123-2021 (O&M).
Decided on: November 18, 2021.**

Palwinder Singh

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Dr.Puneet Kaur Sekhon, Advocate,
for the petitioner.**

Mr.Arun Kumar Kaundal, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail in FIR No.22 dated 23.02.2021, under Sections 406, 420, 120-B, 506 IPC (Sections 467, 468 and 471 added later on) registered at Police Station Division No.6, District Police Commissionerate, Jalandhar. .

Learned counsel for the petitioner has argued that the petitioner was falsely implicated in the present case and therefore, the

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petitioner may be considered for the grant of anticipatory bail. She further submitted that the petitioner had earlier also filed a petition for the grant of anticipatory bail before this Court bearing number CRM-M-22749-2021, titled 'Palwinder Singh Vs. State of Punjab', and the same was dismissed on merits by passing a detailed speaking order dated 5.7.2021. She submitted that although the earlier bail petition for the grant of anticipatory bail was dismissed on merits but in view of the grounds taken in the present petition, the petitioner may be considered for the grant of anticipatory bail.

Mr.Arun Kumar Kaundal, learned Deputy Advocate General, Punjab, has submitted that present successive petition for the grant of anticipatory bail is not maintainable as the petitioner has not been able to show any change of circumstance and rather the petitioner is absconding since long time and therefore, he has submitted that the present successive petition for the grant of anticipatory bail is liable to be dismissed.

I have heard the learned counsel for the parties.

The present petition is second petition for the grant of anticipatory bail. The earlier petition for the grant of anticipatory bail filed by the petitioner was dismissed by this Court by passing a detailed order on 5.7.2021. The petitioner has not been able to show as to what is the change of circumstance for filing the present second petition for the grant of anticipatory bail. In fact, the present petition has been filed again without any change of circumstance. The law in this regard has been laid down by Hon'ble the Supreme Court in **G.R. Ananda Babu Vs. State of Tamil Nadu and another, 2021 (1) R.C.R. (Criminal) 843**, in which it was held that

successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicate that the accused is absconding and not cooperating with the investigation.

Para 7 of the aforesaid judgment is reproduced as under:-

“7. As a matter of fact, successive anticipatory bail applications ought not to be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No. 2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

Therefore, this Court is of the view that the present second petition for the grant of anticipatory bail is not maintainable as there is no sufficient reason or change of circumstance. Consequently, the same is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

November 18, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No