

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

Sr.No.104

**CRM-M No.5385 of 2022
Date of Decision: 09.02.2022**

Salinder

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Shiv Charan Bhola, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J.

By filing the instant petition, the petitioner has made '**third**' attempt to seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.198 dated 15.05.2021 registered at Police Station City Tohana, Fatehabad, under Sections 18 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, Section 51(b) of the Disaster Management Act, 2005 and Section 269 IPC.

I have heard learned counsel for the petitioner in this petition at the preliminary stage and have perused the file thoroughly.

It is worth-while to mention here that the first petition bearing CRM-M No.25232 of 2021, as moved by the petitioner for seeking the relief of pre-arrest bail, was dismissed by this Court vide the order Annexure P-4, as passed on 02.08.2021, for having been withdrawn. The second petition bearing CRM-M No.41224 of 2021, as preferred by

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him for seeking the same relief, has also been dismissed by this Court on 16.12.2021 vide the detailed order Annexure P-5. The sole ground taken by the petitioner for moving the present petition for seeking the said relief is that now, his co-accused named Jaspal Singh @ Jassu has been extended the relief of bail by the Court below. However, the fact remains that vide order Annexure P-2, learned Additional Sessions Judge has granted the relief of '**regular bail**' to the afore-named co-accused of the petitioner and that too, on 05.07.2021, i.e. prior to the dismissal of both his above-said previously filed petitions. It being so, order Annexure P-2 can, by no stretch of imagination, be construed to be any change in circumstances qua the petitioner, so as to afford him a fresh ground to prefer this petition.

In a recent judgment as handed down in **Md. Shamim Khan vs. State of Jharkhand, Special Leave to Appeal (Crl.) No.9449 of 2021, decided on 16.12.2021**, the Apex Court has deprecated the practice of filing the second application under Section 438 Cr.P.C. without any substantial change of circumstances, after the rejection of the first application.

As a sequel to the fore-going discussion, it follows that the present petition deserves dismissal. Resultantly, the same stands dismissed accordingly.

09.02.2022
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(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>