

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

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CRM-M-9342-2022

Date of Decision : **March 07, 2022**

AMANDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. D.S.Pheruman, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition is a second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.10 dated 31.1.2021 under Sections 61/1 of Excise Act, 1914 and Section 24 of Water Pollution & Control of Pollution Act, registered at Police Station Chohla Sahib, District Tarn Taran.

The learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated and, therefore, he has prayed for the grant of anticipatory bail.

However, on a query being put to the learned counsel for the petitioner as to how the present petition is maintainable in view of the fact that earlier the petitioner had filed a petition for the grant of anticipatory bail and the same was dismissed on merits on 20.8.2021, the learned counsel for the petitioner submitted that he may be permitted to withdraw the present petition.

I have heard the learned counsel for the petitioner.

The prayer for the withdrawal of the present petition is rejected.

The petitioner had earlier filed a petition before this Court vide CRM-M-33957-2021 for the grant of anticipatory bail but the same was dismissed by this Court by passing a detailed order on merits. However, the said order has not been attached alongwith the present petition. The law with regard to the maintainability of the successive bail application when the earlier has been dismissed on merits has been laid down by the Hon'ble Supreme Court in **G.R. Ananda Babu Versus State of Tamil Nadu & Anr., 2021(1) R.C.R.(Criminal) 843**. The relevant portion of the said 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.”

In view of the above, this Court is of the view that the present petition is not maintainable and the same is, hereby, dismissed.

March 07, 2022

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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No