

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.103

CRM-M-20222-2022

Date of decision: 12.05.2022

Malkhan Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sukhmeet Singh, Advocate, for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

Through CRM-M-14941-2021 – Malkhan Singh vs. State of Punjab, the petitioner had earlier approached this Court for the same relief as claimed in the present petition which petition of his was dismissed by this Court on 15.12.2021 through the following order:-

“The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

A perusal of the afore-quoted order reveals that the earlier petition filed by the petitioner for the same relief had been withdrawn after the arguments raised on his behalf did not receive a favourable response from the Bench.

Admittedly, there is no change of circumstance after the dismissal of the petitioner's first petition.

Through order dated 16.12.2021 passed in Special Leave Petition No.9449 of 2021 – Md. Shamim Khan vs. The State of Jharkhand,

the Supreme Court deprecated such practice of filing second petition under Section 438 Cr.P.C. without change of circumstance.

In view of the above, this Court is not inclined to grant to the petitioner the relief claimed through the instant petition.

Dismissed.

May 12, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No