

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28504-2022
Date of Decision: 13.07.2022

Gautam

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.P.S. Hira, Advocate, for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No. 118 dated 01.11.2021, under Sections 307, 323, 34 IPC and Section 25 of Arms Act, registered at Police Station D Division, District Amritsar.

Learned counsel for the petitioner has submitted that this is the second anticipatory bail petition filed by the petitioner namely Gautam. Earlier also the present petitioner and other co-accused namely Karan have filed separate petitions before this Court and both the petitions were dismissed vide Annexure P-3 on 17.01.2022 and has submitted that the other two co-accused have been granted bail by this Court i.e. Kush and Jai Chand.

On the other hand, Mr. Davinder Bir Singh, learned Deputy

Advocate General, Punjab has submitted that the present petition is not maintainable in view of the fact that earlier petition filed by the petitioner for grant of anticipatory bail has been dismissed on merits by passing a detailed order by this Court vide Annexure P-3. He submitted that so far as the argument raised by the learned counsel for the petitioner that two more accused have been granted bail is not sustainable in view of the fact that no specific role was attributable to the co-accused Kush and so far as the other co-accused Jai Chand is concerned, he was empty handed and these two persons are not at parity with the present petitioner whose anticipatory bail has already been dismissed by this Court.

I have heard the learned counsel for the parties.

The petitioner has earlier also filed a petition for grant of anticipatory bail alongwith other co-accused namely Karan which was dismissed on merits by this Court by passing a detailed order. The plea raised by the learned counsel for the petitioner that some other co-accused have been granted bail is not sustainable in view of the reasons explained by the learned Deputy Advocate General, Punjab that they are not at parity with the petitioner. It is settled law that unless there are extreme and cogent circumstances once a anticipatory bail application has been dismissed on merits, the second petition for grant of anticipatory bail would not be maintainable in view of the law laid down by the Hon'ble Supreme Court in ***G.R. Ananda Babu Vs. State of Tamil Nadu and another [Criminal Appeal No.84 of 2021]***. The relevant paragraphs of the aforesaid judgment is reproduced as under:-

“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 aforesaid position, no ground is made out for grant of anticipatory bail and, therefore, the present petition is hereby dismissed.

13.07.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No