

102
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52678-2022
Date of Decision: 16.11.2022

LOKENDRA

....Petitioner(s)
Versus

STATE OF HARYANA

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. H.S. Oberoi, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

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. 450 dated 17.07.2021, under Section 20 of NDPS Act, registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case particularly in view of the fact that his name has surfaced on the basis of a disclosure statement of a co-accused namely Narindra. He submitted that the disclosure statement of a co-accused is not admissible in evidence *per se* and there was no recovery effected from the petitioner and therefore, the petitioner may be considered for the grant of anticipatory bail. He has also attached Annexure P-6 with the present petition wherein his earlier petition for grant of anticipatory bail was dismissed on merits by passing a detailed

order by this Court.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that the present is a second petition filed for grant of anticipatory bail which is not maintainable. He further submitted that earlier when the petitioner filed a petition for grant of anticipatory bail, the same was dismissed on merits by passing a detailed order by this Court on 05.10.2021 and while referring to the aforesaid order, he submitted that all the submissions made by the learned counsel for the petitioner were considered by this Court and thereafter by a detailed order, the petition for anticipatory bail was dismissed by this Court. He further submitted that now there is neither any change of circumstance nor there is any strong reason for entertaining a second petition for anticipatory bail. He has also referred to a judgment of the Hon'ble Supreme Court in ***G.R. Ananda Babu Versus The State of Tamil Nadu and another [2021(1) RCR (Criminal) 843]*** and submitted that in the absence of any strong reason, the second petition for anticipatory bail cannot be entertained.

I have heard the learned counsel for the parties.

The petitioner had earlier filed a petition for anticipatory bail which was dismissed by this Court vide Annexure P-6 on 05.10.2021 by passing a detailed order on merits. The learned counsel for the petitioner has not been able to make out any ground based upon any change circumstance or any strong reason as to why the second petition for anticipatory bail should be entertained. The Hon'ble Supreme Court in

G.R. Ananda Babu Versus The State of Tamil Nadu and another (Supra)

observed 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”.

After hearing the learned counsel for the parties, this Court is of the view that the present second petition for anticipatory bail is not maintainable in the absence of any strong reason for entertaining the same.

Consequently, the present petition is dismissed.

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

16.11.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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