

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.101

CRM-M-60654-2022

Date of decision: 23.12.2022

Kuldeep Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.S. Sidhu, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0122 dated 04.07.2022 registered under Section 376 IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Vairoke, District Fazilka.

For the relief claimed through the instant petition, the petitioner had approached this Court for the first time through CRM-M-33891-2022 – Kuldeep Singh vs. State of Punjab which petition was dismissed as withdrawn on 23.08.2022.

Without disclosing the factum of having filed the afore petition the petitioner again knocked the doors of this Court seeking therein the same relief through CRM-M-57482-2022 – Kuldeep Singh vs. State of Punjab. When learned counsel appearing for the petitioner was confronted with the concealment by the petitioner with regard to the dismissal of his aforesaid petition, learned counsel appearing for the petitioner withdrew his second petition on 12.12.2022.

Without there being any change in circumstance, the petitioner

has approached this Court for the third time seeking the same relief which has been denied to him on 23.08.2022 and 12.12.2022.

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 has deprecated the practice of filing of consequent petitions petition under 438 Cr.P.C. without there being any change of circumstance.

In view of the above as also for the reason that in the FIR in question, the petitioner is alleged to have raped a 14 year old minor girl, this Court is not inclined to grant to the petitioner the relief claimed through the instant petition.

Dismissed.

December 23, 2022
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(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No