

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.102

CRM-M-8728-2023

Date of decision: 20.02.2023

Shivam Sodhi @ Shiva

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

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

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The first petition by the petitioner before this Court seeking therein anticipatory bail was CRM-M-21085-2020 – Shivam Sodhi @ Shiva vs. State of Punjab which, on the request made by learned counsel appearing for the petitioner, was dismissed as withdrawn on 30.07.2020. Thereafter, through CRM-M-17092-2021 – Shivam Sodhi @ Shiva vs. State of Punjab, the petitioner again approached this Court for the same relief which he failed to get earlier. However, this petition of his was also dismissed on 23.04.2021 through the following order:-

“Case taken up through Video Conferencing.

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 state, learned counsel for the petitioner seeks to withdraw the present petition.

Permitted to do so.

Dismissed as withdrawn.”

Through the instant petition, the petitioner has again approached this Court for the relief which he could not secure on the earlier two occasions.

Admittedly, there is no change in circumstance after the passing of the afore-referred two orders of this Court.

Through its 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 under Section 438 Cr.P.C. after the rejection of earlier ones without there being any change in circumstance.

Dismissed.

February 20, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No