

101 **2023:PHHC:045842**
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15585-2023
Date of Decision: 28.03.2023

ANKUSH BATRA

....Petitioner(s)

Versus

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Baweja, Advocate, for the petitioner.

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.46 dated 05.03.2022, under Sections 306 IPC, registered at Police Station City Sangrur, District Sangrur.

Learned counsel for the petitioner has submitted that earlier the petitioner had filed a petition for grant of anticipatory bail before this Court in CRM-M-17538-2022 which was dismissed on merits by this Court on 28.04.2022 vide Annexure P-2. He submitted that now there is a change of circumstance to the extent that the complainant has given an affidavit to the petitioner and also to the police that at the time of registration of FIR, she was not in senses.

I have heard the learned counsel for the petitioner.

This Court vide order dated 28.04.2022 (Annexure P-2) had dismissed the bail petition filed by the petitioner by passing a detailed

order and on merits. The argument raised by the learned counsel for the petitioner that there was change of circumstance with regard to furnishing of affidavit does not constitute any cogent change of circumstance for the purpose of considering the successive bail petition once the earlier bail petition was dismissed on merits. It is a settled law that a second bail petition for grant of anticipatory bail would be maintainable only when there are sufficient strong reasons for entertaining the same. The Hon'ble Supreme Court in *G.R. Ananda Babu Versus The State of Tamil Nadu and another [2021(1) RCR (Criminal) 843]* 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”.

In view of the aforesaid position, this Court does not find any merit in the present petition and the same is hereby dismissed.

28.03.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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