

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.101)

CRM-M No. 24850 of 2023

Date of decision : 17.05.2023

Hasan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Ashish Grewal, Advocate for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) This is the second petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.435 dated 09.10.2022 registered under Sections 21(b) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Gandhi Nagar, District Yamunanagar.

(2) The first petition by the petitioner before this Court seeking therein anticipatory bail was ***CRM-M No.17542 of 2023 – Hasan Vs. State of Haryana*** which, on the request made by learned counsel appearing for the petitioner, was dismissed as withdrawn on 13.04.2023 through the following order:-

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

Dismissed as withdrawn.”

(3) Through the instant petition, the petitioner has again approached this Court for the relief which he could not secure on the earlier occasion.

(4) Admittedly, there is no change in circumstance after the passing of the afore-referred order of this Court.

(5) 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.

(6) Dismissed.

17.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No