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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-28554-2023
Date of Decision: 03.07.2023**

Major Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahul Dev, Advocate for
Mr. Ajay Bhardwaj, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present is a second petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.79, dated 18.05.2022, under Sections 15 & 29 of the NDPS Act, registered at Police Station Mallanwala, District Ferozepur.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and the other co-accused, who is the main accused, has already been released on regular bail, therefore, the petitioner may be considered for the grant of anticipatory bail. He further submitted that no recovery has been effected from the petitioner and in view of his false implication, he may be granted anticipatory bail.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned Deputy Advocate General, Punjab, has stated that he has received an advance copy of

the present petition and has gone through the same and has also got instructions from the concerned police official. He further submitted that the present second petition for grant of anticipatory bail to the petitioner is not maintainable since the earlier bail petition was dismissed on merits by this Court and this Court also imposed costs upon the petitioner on the ground that he had concealed material facts from the Court. He also submitted that in view of the judgment of Hon'ble Supreme Court passed in "**G.R. Ananda Babu Versus The State of Tamil Nadu and another**" [2021(1) RCR (Criminal) 843], the present petition is not maintainable and there is no special circumstance stated by the petitioner for entertainment of the present petition.

4. I have heard the learned counsel for the parties.

5. The petitioner had earlier filed a petition before this Court in CRM-M-28431-2022 for grant of anticipatory bail which was dismissed vide order dated 16.08.2022 with costs (Annexure P-3). Costs were imposed on the ground that the petitioner had concealed material facts pertaining to the other cases in which the petitioner was earlier involved. During the course of arguments, the learned counsel for the petitioner has submitted that the costs have been deposited and that the present second anticipatory bail petition is maintainable because the other co-accused has been granted regular bail. It is a settled law that a successive 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's case (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”.

6. However in the present case, a perusal of the earlier order by which the anticipatory bail of the petitioner was dismissed on merits would show that it was not only the concealment of the material facts but other factors were also considered by this Court. This Court had dismissed the bail petition on merits. The learned counsel for the petitioner has not been able to show any special circumstance or change of circumstance which would entitle the petitioner for filing of present successive second bail petition in the light of the judgment of Hon’ble Supreme Court in ***G.R. Ananda Babu’s case (supra)***.

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

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

03.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No