

101

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

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**CRM-M-28731-2023  
Date of Decision: 03.07.2023**

Narinder Singh @ Sheepu

..... Petitioner

Versus

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. Umesh Sharma, Advocate  
for the petitioner.

Ms. Monica Jalota, Senior DAG, Punjab.

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**HARSH BUNGER J. (ORAL)**

1. Narinder Singh @ Sheepu (petitioner) has filed this second petition under Section 438 of the Code of Criminal Procedure seeking grant of anticipatory bail in case FIR No.96 dated 03.09.2022 (Annexure P-1), under Sections 307, 324, 506 read with Section 34 of the Indian Penal Code, registered at Police Station Hariana, District Hoshiarpur.

2. The first bail petition filed by the petitioner (CRM-M-53115-2022) was dismissed by this Court vide order dated 13.02.2023.

3. Learned counsel for the petitioner while referring to Annexure P-2, i.e. the Compromise Deed/Agreement dated 01.03.2023, has submitted that now the matter has been compromised between the parties concerned, accordingly, it is prayed that the petitioner may be granted

anticipatory bail.

4. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that the first bail petition filed by him, has been dismissed by this Court by way of a speaking order and no changed circumstances have been brought forth by the petitioner so as to maintain this petition. It is submitted that merely entering into a compromise, after the rejection of the first bail petition would not constitute a changed circumstance so as to maintain this second petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

5. I have heard learned counsel for the parties and perused the paper book with their able assistance.

6. This is the second bail petition filed by the petitioner. The earlier petition has been dismissed vide orders dated 13.02.2023 passed in **CRM-M-53115-2022**. The issue regarding maintainability of the second bail petition, after dismissal of the first one, has been considered by the Division Bench of this Court in **“Manjinder Kaur vs. State of Punjab” (CRM-M-40916-2022** and other connected matter), decided on 30.01.2023, wherein it has been held as under :-

*“12. We have already held that second/subsequent/successive anticipatory bail application would not be maintainable where such an application has been dismissed by the Court on merits by passing a speaking order. Further qua the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances has/have come about, further developments such as arrest of*

*co-accused or main accused or bail granted to co-accused, different considerations, some more details, new documents or illness of the accused. It would also not be maintainable on a plea or ground that the Court on the earlier occasion failed to consider any particular aspect or material on record or that any point then available to the accused was not taken, agitated or pressed before the Court.*

*However, the second/subsequent bail application under Section 438 Cr.P.C. would be maintainable only if there is substantial material or substantive change in the fact situation and circumstances of the case due to subsequent events or in law.”*

7. Further, Hon'ble Supreme Court in the case of **“G.R. Ananda Babu Vs. State of Tamil Nadu and another”, 2021(1) R.C.R. (Criminal) 843** held as under:-

*“As a matter of fact, successive anticipatory bail applications ought not 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.”*

8. Keeping in view the aforestated position, once the bail petition has been dismissed by way of a speaking order then the second petition would not be maintainable, more so, when there are no changed circumstances and the change in approach of petitioner whereby, he has allegedly compromised with the complainant, which option was available to the petitioner earlier also, can only be termed as a “new circumstance”. In this regard, reference can be made to the judgment rendered in **“Talwinder Singh vs. State of Punjab”, 2021(3) R.C.R. (Criminal) 368.**

9. In view of the above, I do not find any merit in the present

petition and the same is hereby dismissed.

10. All pending application(s), if any, shall also stand closed.

03.07.2023

*Apurva*

(HARSH BUNGER)  
JUDGE

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