

103

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

**CRM-M-29421-2023
Date of Decision: 03.07.2023**

Joginder Singh @ Jogender Bhoat

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Mamli, 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.243, dated 24.08.2019, under Sections 406, 420, 467, 468, 471, 506 & 34 of the IPC (Section 120-B of the IPC added later on) registered at Police Station Farakpur, District Yamuna Nagar.

2. Learned counsel for the petitioner has submitted that the present is a second bail petition filed by the petitioner and his first bail petition was dismissed by this Court by passing a detailed order on 18.07.2022 in CRM-M-25693-2022 vide Annexure P-5 and one of the grounds for dismissal was that the petitioner was earlier declared P.O. in some other case. He further submitted that the other case i.e. FIR No.382 dated 27.07.2011 under Sections 379 & 473 IPC, the P.O. proceedings have already been set aside by a Co-ordinate Bench of this Court vide order dated 15.11.2022 (Annexure P-

6). He also submitted that although the P.O. proceedings in the aforesaid case has been set aside but there are total 4 FIRs against the petitioner and in one of the FIR i.e. bearing No.253 dated 08.07.2011, the petitioner is at present P.O. He further submitted that in view of the aforesaid position, the petitioner may be granted anticipatory bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, 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 vide order dated 18.07.2022 and even now the petitioner is still P.O. in one of the FIR and 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 once the earlier bail petition was dismissed on merits and there is no special circumstance stated by the petitioner for entertainment of the present petition. He further referred to the judgment passed by the Hon'ble Supreme Court in "*State of M.P Vs Pradeep Sharma*", 2014(2) SCC 171, to contend that the concession of anticipatory bail cannot be granted to an accused, who is a P.O.

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

5. The petitioner had earlier filed a petition before this Court for grant of anticipatory bail which was dismissed on merits vide order dated 18.07.2022 (Annexure P-5). As per the learned State counsel, the petitioner is P.O. in some other case i.e. FIR No.253 dated 08.07.2011. 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. During the course of arguments, the learned counsel for the petitioner has not been able to make out any special circumstance to file his successive bail petition for grant of anticipatory bail. Consequently, finding no 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 |