2023:PHHC:084686

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

(Sr. No.101)

CRM-M No. 31845 of 2023
Date of decision : 06.07.2023

Baldev Singh @ Deba

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present **:** Mr. Sahil Soi, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

*** * ***

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. 285 dated 26.09.2022 registered under Sections 15, 25, 29 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Phillaur, District Jalandhar Rural.

(2) The first petition by the petitioner before this Court seeking therein anticipatory bail was ***CRM-M No.57223 of 2022 – Baldev Singh @ Deba Vs. State of Punjab*** which, on the request made by learned counsel appearing for the petitioner, was dismissed as withdrawn on 16.03.2023 through the following order:-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 *Dismissed as withdrawn."*

SUNIL YADAV
2023.07.07 11:41
I attest to the accuracy and
authenticity of this order.

(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.

06.07.2023 **(DEEPAK SIBAL)**
sunil yadav **JUDGE**

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

SUNIL YADAV
2023.07.07 11:41
I attest to the accuracy and
authenticity of this order.