

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

111

CRM-M-37329-2023

Date of decision: 02.08.2023

Rajnish Kaur @ Rajni Atter

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Arun Sharma, Advocate for
Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J

1. Prayer in this second petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in FIR No.159 dated 23.09.2021 registered under Sections 420, 406, 120-B, IPC (Section 201 IPC added later on) and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, at Police Station City Nakodar, District Jalandhar.

2. Learned counsel submits that there is no change of circumstance. He submits that petitioner is ready and willing to join investigation, however, is unable to demonstrate the maintainability of the second petition.

3. Learned State counsel opposes the bail on the ground that the earlier petition was not withdrawn simpliciter at the outset, however, learned counsel for the petitioner, who had appeared in the case, had argued the matter for some time and only on the Court being not inclined to grant any relief, was the petition withdrawn. He submits that the present petition is not maintainable in view of the judgment passed by the Division Bench of this Court in **Manjinder Kaur vs. State of Punjab**, CRM-M-40916-2022 decided on 30.01.2023. The investigation is going on and the custodial interrogation of petitioner is required. There is

apprehension of her not only fleeing from justice but also committing the offence again.

4. Heard.

5. The Division Bench of this Court in the case of **Manjinder Kaur** (supra) observed and held that, “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the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances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 and substantive change in the fact situation and circumstances of the case due to subsequent events or in law.”

6. The first petition filed for anticipatory bail was withdrawn when it was on the verge of being dismissed on merits, the Court being not inclined, after having heard the arguments that were advanced. The ground taken for filing the 2nd bail application by the petitioner does not fall within the parameters as laid down in the said judgment.

7. Keeping in view the afore-referred judgment, this Court finds it a fit case to dismiss the second petition for grant of anticipatory bail, it being not maintainable. The petition is hereby dismissed.

8. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

02.08.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No