

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.39128 of 2023 (O&M)

Date of Decision:10.08.2023

Manjit Kaur

...Petitioner

Vs

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Mr. Gurpreet Singh, Addl. A.G., Punjab.

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HARSIMRAN SINGH SETHI J. (ORAL)

The second petition has been filed for grant of anticipatory bail to the petitioner in case FIR No.84 dated 18.06.2023 registered under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act, 1985 added later on) at Police Station Dhuri, District Sangrur.

Learned counsel for the petitioner submits that keeping in view the law settled by the Hon'ble Supreme Court of India in ***Vijay Singh Vs. The State of Haryana*** passed in Special Leave to Appeal (Crl.) No.1266/2023 on 17.05.2023 where the accused has been arrayed on the basis of disclosure statement, anticipatory bail should be allowed, hence, the petitioner is entitled for grant of anticipatory bail.

It may be noticed that the petitioner had filed an anticipatory bail application before the trial court, which was dismissed by the trial court vide order dated 12.07.2023 (Annexure P-2). Thereafter, the petitioner filed an anticipatory bail petition before this Court being CRM-M No.33652 of 2023, which was withdrawn after arguing for some time on 17.07.2023. Again within a period of three weeks, present second anticipatory bail petition has been filed. On

being asked as to how the second anticipatory bail petition is maintainable without there being any change in circumstance keeping in view the settled principle of law, learned counsel for the petitioner has not been able to point out even a single circumstance, which has come into being after withdrawing the first anticipatory bail petition on 17.07.2023.

Further, with regard to reliance being placed on the judgment of the Hon'ble Supreme Court in *Vijay Singh's case* (supra), it is clear that the judgment, which is being pressed into operation today was available with the petitioner on the day when the first anticipatory bail petition was withdrawn, hence, the said argument cannot be treated as a fresh circumstance which has come into existence after the anticipatory bail petition was withdrawn on 17.07.2023, so as to file this second anticipatory bail.

Keeping in view the above, second petition for grant of anticipatory bail to the petitioner is not maintainable to be heard on merits.

Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

August 10, 2023

Pankaj*

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No