

2023:PHHC:104685

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 101

CRM-M-39487-2023

Date of decision : 11.08.2023

Kehar Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ruhani Chadha, Advocate, for the petitioner.

Mr.R.S.Pandher, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (Oral)

(1) This is the second petition filed by the petitioner under Section 438 Cr.P.C. seeking therein anticipatory bail in FIR No.45 dated 13.03.2023 registered under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) (Section 29 of the NDPS Act added later on) at Police Station Sultanpur Lodhi, District Kapurthala.

(2) The first petition filed by the petitioner was *CRM-M-17699-2023* – *Kehar Singh vs. State of Punjab* which was dismissed on 13.04.2023 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Dismissed as withdrawn.”

(3) Through the instant petition, the petitioner has again approached this Court for the same relief which he could not secure on the earlier occasion.

(4) Admittedly, there is no change in circumstance after the dismissal of the petitioner’s first petition through which he had sought anticipatory bail.

(5) Through 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 the earlier ones without there being any change in circumstance.

Dismissed.

11.08.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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