IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

101

2023:PHHC:115704

CRM-M-42774-2023

Date of decision: September 4th, 2023

Jagat Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lupil Gupta, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

This is a second petition seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in case FIR No.470 dated 12.09.2022 registered under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Palam Vihar, Gurugram.

2. At the outset, when a query was put to the learned counsel for the petitioner as to what was the material change in circumstances which would warrant entertaining a second petition under Section 438 of the Cr.P.C. after the previous one was dismissed on merits on 25.02.2023, he submits that two of his co-accused have since been granted the concession of anticipatory bail while one has been released on regular bail.

3. Once a petition under Section 438 Cr.P.C. filed by a person has been dismissed on merits, unless and until some substantial changes in circumstances subsequent thereto are brought to the fore, a second petition under Section 438 Cr.P.C. should not be ordinarily entertained.

4. The change in circumstances, as urged by learned counsel, after dismissal of his previous petition wherein too similar relief had

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been sought is that co-accused of the petitioner have since been enlarged on bail.

5. This Court has no hesitation to observe that the change in circumstances, as urged by the learned counsel, if any, cannot be said to be material, rather is merely of a cosmetic nature. This Court is thus, not inclined to entertain the instant petition under Section 438 Cr.P.C. and extend the concession of anticipatory bail to the petitioner.

6. The instant petition, therefore, stands dismissed.

September 4th, 2023 (**MANJARI NEHRU KAUL**)
Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No

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