

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10944-2024 (O&M)
Date of decision : 01.03.2024

Ajmer Singh @ Banti

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Anoop Verma, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. This is the second petition filed under Section 438 of Cr.P.C. 1973, wherein the petitioner seeks grant of anticipatory bail in FIR No.78 dated 29.09.2023, registered for the offences punishable under Sections 29 and 20 of NDPS Act, 1985 at Police Station Dhakoli, District SAS Nagar.

2. The first anticipatory bail petition filed by the petitioner was dismissed by this Court vide order dated 30.11.2023 (Annexure P-8).

3. As per the prosecution version, the place from where the recovery was effected belonged to the accused, as well as the car which was being used for the transportation of contraband is also in the name of the petitioner.

4. On being asked as to what is the change in circumstance that can render the present petition maintainable, he submits that certain documents were not placed on record in the earlier petition which have now been placed on record.

5. However, in the light of the law laid down by a learned Judge of this Court in '*Rajwinder Singh vs. State of Punjab*' [2015 SCC Online P& H 14287], a second anticipatory bail petition would not be maintainable until and unless there is a material change in the circumstances in favour of the petitioner. The learned Judge relied upon an earlier judgment of this Court in '*Hardip Singh vs. State of Punjab*' [2015 (3) RCR (Crl.) 138], which, in turn, made reference to the Full Bench judgment of the Calcutta High Court in '*Maya Rani Guin vs. State of West Bengal*', [2003 (1) RCR (Criminal) 774], which also held to the same effect. Significantly, the Full Bench had observed that a second application for anticipatory bail would not be maintainable even if new circumstances develop after rejection or disposal of the earlier application.
6. In the considered opinion of this Court, this cannot be taken to be a change in circumstance. Thus, the present petition is dismissed as not maintainable.
7. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(PANKAJ JAIN)
JUDGE

01.03.2024

Dinesh	Whether speaking/reasoned :	Yes
	Whether Reportable :	No