

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29011-2024 (O/M)
Date of decision : 07.06.2024

Navdeep Singh Petitioner
Versus
State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present:- Mr. Deepak Achint and Mr. Rajneesh Achint, Advocates
for the petitioner.

Mr. Kunwarbir Singh, AAG Punjab.

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HARSH BUNGER, J. (ORAL)

1. This is second petition filed by the petitioner under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking grant of anticipatory bail in case FIR No. 12 dated 03.03.2024 (Annexure P-1), registered under Sections 420, 120-B, 467, 468 of the Indian Penal Code, 1860 (in short 'IPC') at Police Station Ramdas, District Rural.
2. The first petition i.e. CRM-M-25135-2024, filed by the petitioner for grant of anticipatory bail was dismissed, vide order dated 18.05.2024, passed by a Coordinate Bench of this Court. The order dated 18.05.2024 reads as under :-

“ This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 12 Dated 03.03.2024 registered under Sections 420/120-B/467/468 IPC, 1860 Police Station Ramdas, District Amritsar Rural (Annexure P-1).

After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition.

Allowed as prayed for.

Dismissed as withdrawn.”

3. The issue regarding maintainability of the subsequent/successive anticipatory bail petition, after dismissal of the first and/or second anticipatory bail petition, has been considered by Division Bench of this Court in ***Manjinder Kaur vs State of Punjab*** (CRM-M-40916-2022 and other connected matter), decided on 30.01.2023, wherein it has been held as under:-

“12. 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the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances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 or substantive change in the fact situation and circumstances of the case due to subsequent events or in law.”

4. Further, Hon'ble Supreme Court in the case of ***G.R. Ananda Babu Vs. State of Tamil Nadu and another, 2021(1) R.C.R. (Criminal) 843*** held as under:-

“As a matter of fact, successive anticipatory bail applications ought not be entertained and more so, when the case diary and the status report, clearly indicated that the accused (respondent No.2) is absconding and not cooperating with the investigation. The specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Judge.”

5. In the first bail application, apparently the matter was argued before the Coordinate Bench and subsequently the same was withdrawn. Be that as it may, keeping in view the aforesaid legal position, learned counsel for the petitioner has been unable to put-forth any substantial change in the facts and circumstances of the case due to subsequent events or in law, so as to maintain the present second petition for grant of anticipatory bail.

6. Accordingly, I do not find any merit in the present petition and the same is hereby dismissed.

7. All pending application(s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

07.06.2024.
sjks

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No