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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32763-2024
Date of decision: 12.07.2024

ASHOK

...Petitioner

VERSUS

STATE OF HARYANA

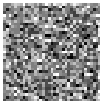
...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Raj Kumar Chandana, Advocate for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.722 dated 28.08.2023, under Sections 420, 467, 468, 471, 120-B of the IPC and Section 61(1)(a) of the Punjab Excise Act, 1914 (Haryana Amendment Bill, 2020), registered at Police Station Camp Palwal, District Palwal, Haryana.
2. Learned counsel for the petitioner has been heard.
3. Ms. Rajni Gupta, Addl. A.G., Haryana submitted that she has received an advance copy of the present petition and has also sought instructions in the present case. She further submitted that the present petition is not maintainable because the petitioner had earlier filed anticipatory bail petition bearing CRM-M-47672-2023, which was dismissed by this Court on merits vide Annexure P-9 dated 08.11.2023. She further submitted that in view of the law laid down by the Hon'ble Supreme Court in G.R. Ananda Babu versus The State of Tamil Nadu and another, [2021(1) RCR (Criminal) 843], the present petition is not maintainable.



4. I have heard the learned counsel for the parties.
5. It is a case where the petitioner had earlier filed an anticipatory bail petition before this Court as aforesaid and vide Annexure P-9 dated 08.11.2023, the same was dismissed on merits. It is a settled law that once an anticipatory bail petition has been dismissed on merits by a Court then the second anticipatory bail petition is not maintainable unless there are so strong and special reasons for entertaining the same. In other words, there is no absolute bar but it is only subject to the exception that there are very strong and compelling reasons.
6. The Hon’ble Supreme Court in *G.R. Ananda Babu’s case (supra)* observed as under:-
- “7. As a matter of fact, successive anticipatory bail applications ought not to 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”.*
7. After hearing learned counsel for the petitioner and also a perusal of the present petition, this Court does not find any special or strong reason or any change of circumstance to consider the prayer of the petitioner as an exception.
8. In view of the above, the present petition is hereby dismissed.
9. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

12.07.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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