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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-34356-2024
Date of Decision: 22.07.2024**

Vinod Manocha

..... Petitioner

Versus

State of U.T. Chandigarh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. D.D. Singla, Advocate
for the petitioner.

HARSH BUNGER J. (ORAL)

1. Petitioner (Vinod Manocha) has filed this second bail petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2024 for grant of anticipatory bail in case FIR No.0467, dated 19.12.2023 (Annexure P-4) registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860, at Police Station Sector 36, Chandigarh.

2. The earlier petition filed by the petitioner seeking anticipatory bail has been dismissed by this Court vide order dated 06.06.2024, passed in **CRM-M-26040-2024** (Annexure P-9).

3. Learned State counsel, who appears in pursuance of advance copy of this petition being served upon the State submits that the first bail petition filed by petitioner has been dismissed by this Court by way of a



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speaking order and no changed circumstances have been brought forth by the petitioner so as to maintain this petition.

4. I have heard learned counsel for the parties and perused the paper book.

5. The issue regarding the maintainability of the second bail petition, after the dismissal of the first 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the anticipatory bail application, it can be said that once a first bail application under Section 438 Cr.P.C. stands withdrawn, a second or subsequent bail application would not be maintainable merely on the ground that some new inconsequential and cosmetic change in circumstances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



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and circumstances of the case due to subsequent events or in law.”

6. 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.”

7. Keeping in view the aforestated position, once the first bail petition has been dismissed by way of a speaking order, therefore the second petition would not be maintainable. Further, the instant petition is also not maintainable, merely on the ground that the petitioner is no more a proclaimed person; which in my considered view, would not constitute changed circumstance.

8. In view of the above, I do not find any merit in the present petition and the same is hereby dismissed.

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

22.07.2024
Himani

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No