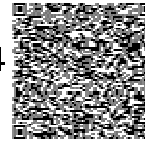


2024:PHHC:098214



107.

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

CRM-M-36402-2024

Date of decision: 31.07.2024

Satveer

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Daljeet Singh Virk, Advocate, for the petitioner.

GURBIR SINGH, J.

1. This is second petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.372, dated 05.06.2014, registered under Sections 147/149/323/452/506 of IPC at Police Station Rania, District Sirsa.

2. Earlier, petitioner along with Ravi filed CRM-M-31482-2024 titled as *Satveer and another Versus State of Haryana* seeking anticipatory bail in the aforesaid FIR and after making submissions, vide order dated 05.07.2024, said petition qua the petitioner No.1-Satveer was dismissed as withdrawn. The extract of said order reads as under:-

“3. Learned counsel for the petitioners has argued that complainant party was infact the aggressor party and on account of their behavior, Nathu Ram did not give any share in land to them. Infact, the complainant party had attacked Nathu Ram on that day but the police under the influence of

complainant, falsely implicated the petitioners in this case as son of the complainant is employed in Haryana Police.

4. Notice of motion.

5. Mr. Karan Sharma, DAG, Haryana appears and accepts notice on behalf of the respondent-State. He has opposed the prayer made by the learned counsel for the petitioners and has submitted that as per opinion of Doctor, injury on the husband of the complainant, namely Baag Ram, was found to be grievous in nature and said injury is attributed to Satveer petitioner No.1, with kappa. He further submits that allegations are very serious.

6. Heard.

7. At this stage, learned counsel for the petitioners submits that he does not want to press the petition on behalf of petitioner No.-1 Satveer. So, petition qua him be dismissed as withdrawn.

8. In view of the above statement made by the learned counsel for the petitioners, petition qua petitioner No-1 Satveer is hereby dismissed as withdrawn.”

Thus, said petition qua petitioner was withdrawn on 05.07.2024 and the present second anticipatory bail petition has been filed on 22.07.2024 i.e. after 17 days.

3. Learned counsel for the petitioner has argued that the earlier petition was dismissed as withdrawn, so second petition is maintainable.

Reliance is placed on ***Rani Dudeja Versus State of Haryana, Law Finder Doc Id # 841802***, an authority of Hon’ble Supreme Court.

4. I have heard the submission of learned counsel for the parties and have gone through the paper book.

5. Recently the Hon’ble Supreme Court in ***G.R. Ananda Babu Versus State of Tamil Nadu and another, 2021(1) R.C.R. (Criminal) 843***, has held that successive anticipatory bail petition is not maintainable. The

issue regarding the maintainability of second bail petition, after the dismissal of first petition, has been considered by the Division Bench of this Court in *Manjinder Kaur Versus 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.”

6. Since there is no change of circumstance after the withdrawal of earlier anticipatory bail petition, so this petition is not maintainable and dismissed accordingly.

(GURBIR SINGH)
JUDGE

July 31, 2024
sanjeev

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