

CRM-M-38308-2024

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2024:PHHC:103816



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

CRM-M-38308-2024 (O&M)

Date of Decision: 12.08.2024

MADAN LAL

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. Sukhandeep Singh, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, Sr. D.A.G., Punjab.

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 43, dated, 25.04.2022, registered at Police Station D-Division, District Amritsar, under Section 346 of the IPC (Sections 363, 366-A & 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences, Act, 2012 were added later on).

2. The first petition filed by the petitioner was dismissed on merits, vide detailed order dated 09.04.2024 passed in CRM-M-64818-2023 (Annexure P-4).

3. Learned counsel for the petitioner contends that the statement of the prosecutrix has been recorded under Section 164 Cr.P.C. subsequent to the passing of the order in the first petition, as such, there is change of circumstance and therefore, 2nd petition is maintainable under Section 438 Cr.P.C.



4. I have heard learned counsel for the petitioner and have gone through the paper-book carefully.
5. In paragraph No. 11 of the first order, dated 09.04.2024 (Annexure P-4), there was a reference of the statement of the prosecutrix recorded under Section 164 Cr.P.C. The order was passed after hearing the counsel for the petitioner and after going through the facts and circumstance put up on the paper-book. There is no change of circumstance. As such, this 2nd petition filed under Section 438 Cr.P.C. is not maintainable.
6. Consequently, the present petition stands dismissed.
7. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
8. Pending miscellaneous application(s), if any, shall also stand disposed of.

August 12, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No