

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.101

CRM-M-42748-2023

Date of decision : 10.01.2024

Rakesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.Gaurav Arora, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G., Haryana.

* * * * *

DEEPAK SIBAL, J. (Oral)

(1) This is the second petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.273 dated 05.11.2020 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bass, District Hansi.

(2) The first petition by the petitioner before this Court seeking therein anticipatory bail was ***CRM-M No.11379 of 2021 – Rakesh Vs. State of Haryana*** which was dismissed as withdrawn on 16.11.2021 through the following order:-

*“The arguments raised on behalf of the petitioner having not received a favourable response from the Bench and not to invite a decision on merits lest it may prejudice the case of the petitioner at a later stage, learned counsel for the petitioner seeks to withdraw the present petition.
Permitted to do so.
Dismissed as withdrawn.”*

(3) Through the instant petition, the petitioner has again approached this Court for the relief which he could not secure on the earlier occasion.

(4) Admittedly, there is no change in circumstance after the passing of the afore-quoted order of this Court.

(5) Through its order dated 16.12.2021 passed in **Special Leave Petition No.9449 of 2021 - Md.Shamim Khan Vs. The State of Jharkhand**, the Supreme Court has deprecated the practice of filing of consequent petitions under Section 438 Cr.P.C. after the rejection of earlier ones without there being any change in circumstance.

(6) Dismissed.

10.01.2024
shamsher

[DEEPAK SIBAL]
JUDGE

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