

CRM-M-38824-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-38824-2023

Date of decision: 09.08.2023

Deepinder Singh Sandhu alias Harry Sandhu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Arshpreet Khadial, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

1. Through this third petition, the petitioner seeks anticipatory bail in case bearing FIR No.160 dated 28.07.2022, registered at Police Station Kotwali Patiala, under Sections 420, 406, 506 and 120-B IPC.

2. Learned counsel for the petitioner very fairly submits that the first petition i.e. CRM-M-48699-2022 filed by the petitioner was dismissed as withdrawn on 28.10.2022 whereas the second petition was dismissed on merit on 14.12.2022. However, there is a change of circumstances that co-accused, Amandeep Kaur has since been granted the interim protection.

3. Notice of motion.

4. On the asking of this Court, Mr. C.L.Pawar, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State.

5. At this stage, Mr. K.B.Raheja, Advocate, puts in appearance

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and files his power of attorney on behalf of the complainant. The same is taken on record.

6. Learned State counsel and learned counsel for the complainant submit that the earlier petition filed by the co-accused was not dismissed on merit, rather it was dismissed as withdrawn, and that the second petition filed by the petitioner seeking anticipatory bail was dismissed on merit. It is further submitted that there is no substantial change of circumstances to invoke the jurisdiction of filing the successive petition under Section 438 Cr.P.C.

7. I have heard the learned counsel for the parties.

8. This is the third petition for the grant of anticipatory bail to the petitioner, the first petition one was dismissed as withdrawn whereas the second one was dismissed on merit by passing a detailed order.

9. So far as the contention of the learned counsel for the petitioner that there is a substantial change in the circumstances that co-accused has since been granted the interim protection, is not tenable for the reason that the earlier petition filed by the co-accused was dismissed as withdrawn whereas the second petition preferred by the petitioner was dismissed on merit.

10. On a specific query put to the learned counsel for the petitioner, he has failed to show any substantial change of circumstances. Moreover, the specious reason of change of circumstances cannot be invoked for successive anticipatory bail application, once it is rejected by a speaking order. Reference may be made to the judgment dated 28.01.2021 delivered by the Hon'ble Supreme Court in SLP (Crl.) No.213 of 2021,

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titled as 'G.R.Ananda Babu Vs. State of Tamil Nadu & Another'.

11. In view of the above, finding no merit in the present petition,
the same is dismissed.

09.08.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No