

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

**CRM-M-41257 of 2015 (O&M)
DECIDED ON: JULY 12, 2016**

PARVEEN KUMAR

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

Present: Mr. Sanjiv Gupta, Advocate
 for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J

This is a 2nd petition preferred under Section 439 Cr.P.C. by Parveen Kumar seeking regular bail in case bearing FIR No. 103 dated February 06, 2014 under Section 306 read with 34 IPC registered at Police Station Chandni Bagh, Panipat.

2. Undisputably, earlier bail application moved by the petitioner was dismissed by this Court on merits vide order dated July 06, 2015 passed in CRM No. M-20774 of 2015 (Annexure P-6).

3. The contention of learned counsel for the petitioner is that instant petition has been moved by the petitioner in view of changed circumstance(s).

Firstly, petitioner is in custody since June 02, 2014 and secondly, no progress in the trial has taken place so far on account of the fact that prosecution moved an application under Section 319 Cr.P.C. for summoning some other persons as an additional accused, which has been allowed by the trial Court. The said order passed is under challenge, before this Court by way of Criminal Revision Petition in which the proceedings have been stayed. Moreover, summoning of the additional accused would take sufficient long time and it would also result into *denovo* proceedings.

4. On the other hand, learned State counsel has submitted that there are no changed circumstance(s) after the dismissal of previous bail application moved by the petitioner. The mere fact that an application under Section 319 Cr.P.C. preferred by the prosecution for summoning some other persons has been allowed, does not *ipso facto* mean that the petitioner is entitled to bail. So far as the stay proceedings are concerned, the said order is operative only qua the accused-persons who have been summoned by way of an order passed in an application under Section 319 Cr.P.C. Moreover, proceedings before trial Court have not been stayed qua the present petitioner.

5. This Court has given an anxious thought to the rival submissions made by learned counsel for the parties but does not find any factual and legal substance in the submission made by learned counsel for the petitioner.

6. Undisputably, previous bail application filed by the petitioner has already been dismissed on merits by this Court vide order dated July 06, 2015 vide CRM No. M-20774 of 2015 and there is no change in the circumstance(s) what to talk of any substantial change after the dismissal of previous bail petition for bail. In fact the embezzlement of amount of the firm was detected

in the Month of June, 2013 alleged to have been committed by the petitioner and Shiv Kumar who issued two cheques to the deceased-Ved Pal. Those cheques on presentation for encashment in bank were dishonoured. The matter was taken up in the Panchayat, in which, the petitioner admitted his guilt and confessed to have not only embezzled the amount but also with regard to the commission of fraud. He executed a writing in this regard. On account of the afore-said fact, the deceased had undergone under mental depression. Ultimately, he took a last step to end his life by way of committing suicide. The mere fact that an application under Section 319 Cr.P.C. has been preferred by the prosecution has been allowed by trial Court or that proceedings qua newly added persons who have been summoned to face trial have been stayed is not going to provide any benefit to the petitioner because the proceedings have not been stayed qua the petitioner.

7. In the light of afore-said discussion, this Court does not find any merit in the instant petition. As such, the same is dismissed.

JULY 12, 2016
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(JASPAL SINGH)
JUDGE