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IN THE HIGH COURT OF DELHI AT NEW DELHI

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BAIL APPLN. 952/2017

MANJEET SINGH

..... Petitioner

Through: Mr.Manjeet Singh Ahluwalia, Adv.

versus

THE STATE

..... Respondent

Through: Mr.Kewal Singh Ahuja, APP.

CORAM:

HON'BLE MR. JUSTICE P.S.TEJI

ORDER

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25.05.2017

Crl. M.A. No.8611/2017 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

Bail Appl. No. 952/2017

By this petition filed under Section 438 of Cr.P.C., the petitioner is seeking anticipatory bail in a case registered vide FIR No.802/2016 under Section 420/34 of IPC, at Police Station Tilak Nagar, Delhi.

Counsel for the petitioner has submitted that the present application for the grant of anticipatory bail is maintainable as there is change of circumstances and the petitioner has been roped in the present case as there was previous enmity between the parties.

Perusal of record shows that the earlier application for the grant of anticipatory bail moved by the petitioner was dismissed by this

Court vide order dated 04.05.2017 while observing that the payments were made by the complainant to the co-accused in the presence of the petitioner; the petitioner was also a signatory as witness on the various dates when payments were given and thus he has conspired with his co-accused and cheated the complainant for a sum of Rs.29,00,000/-.

No material was brought on record to show that there was any change in circumstances after the dismissal of the earlier application by this Court. The material, whichever referred to, is much of an earlier date than even before the lodging of the FIR. The submission does not reflect any change in circumstances.

A perusal of record shows that the FIR in the present case was registered with the allegations that the petitioner along with his co-accused had cheated the complainant for a total sum of Rs.29 lakhs. Thereafter as per the petitioner, he moved an application for the grant of anticipatory bail in the month of March 2017 which was dismissed by the Court of Sessions vide order dated 07.03.2017. Again a fresh bail application was moved in April 2017 which was dismissed vide order dated 19.04.2017 on the ground that there was no change in circumstance. Again on 04.05.2017, an anticipatory bail application was moved before this Court which was dismissed observing the same as above and thereafter another application was moved before the ASJ on 17.05.2017 which was dismissed vide order dated 18.05.2017 while observing that there was no change of any circumstance and the application had been moved by just taking another chance.

Similarly, the present application has been moved. Apparently,

the FIR is dated 07.12.2016 and the accused is clearly evading arrest on one ground or the other. Once an application for the grant of anticipatory bail is rejected by the Court of Session, there cannot be any occasion to file a second application before the same court/Court of Session. Similarly, if the bail is rejected by the High Court, then the second application on the same facts does not warrant to be considered.

In the present case, it is evident that the accused is making lame excuses and the only change in circumstance is that he is evading arrest.

In view of the above mentioned facts and circumstances, the present bail application is dismissed.

P.S.TEJI, J

MAY 25, 2017