

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-435 of 2018

Date of Decision: March 12, 2018

Talib

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Vikram Singh, Advocate
for the petitioner

Mr. Munish Sharma, AAG Haryana

Mr. Amit Jain, Advocate
for the complainant

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Sudhir Mittal, J. (Oral)

The petitioner seeks regular bail in case FIR No. 471 dated 03.09.2015, registered at Police Station Punhana, District Mewat under Sections 148, 149, 323, , 452, 307, 302 IPC and Sections 25/54/59 of the Arms Act, 1959.

Learned counsel for the petitioner submits that the complainant and other material witnesses have since retracted from their statements and have exonerated the petitioner. It is further submitted that learned Additional Sessions Judge, Nuh, erred in law in rejecting the bail application on the ground of dismissal of CRM-M-21561-2017 *Talib vs. State of Haryana* decided on 20.09.2017 because the statement of the complainant and other witnesses whereby they have retracted their statements implicating the petitioner, was not brought before the Court while passing the order dated 20.09.2017.

Learned State counsel, however, on instructions from ASI Rajpal Singh submits that the complainant while recording his statement before the trial Court has stuck to his original statement and has implicated the petitioner.

Thus, the contention is that since the petitioner has been implicated by the

complainant in the Court, there are no changed circumstances and, therefore, the second bail application is not maintainable.

The ground on which the second bail application has been moved has been rendered non-existent because the complainant has again implicated the petitioner while getting his statement recorded in the Court. Thus, there are no changed circumstances entitling the petitioner to move the second bail application.

For the reasons aforementioned, the petition is dismissed.

March 12, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No