

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 40033 of 2020
Date of Decision: 16.12.2020**

Ashok Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Yashdeep Nain, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A.G., Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

This the second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 11 dated 26.1.2020 under Sections 406, 420, 120-B IPC registered at Police Station Dhand, District Kaithal, the earlier one having been dismissed on merits on 11.9.2020 (Annexure P-5).

Learned counsel for the petitioner submits that the allegations against the petitioner are that, fake gold brick and chain was given to the complainant against the money. Learned counsel further submits that because of Covid-19, there was two deaths in the family of the petitioner and that too in the month of March. He further submits that challan was presented on 23.3.2020 but due to Covid-19, no further proceedings are being conducted. In support of his arguments, learned counsel has placed reliance on *Sanjay Chandra versus CBI 2011(4) R.C.R. (Criminal) 898*

and the judgment of the Co-ordinate Bench of this Court in **CRM-M-27240-2018 Dilawar versus Central Bureau of Investigation decided on 28.11.2019.**

On the other hand, learned State counsel has opposed the bail application and submits that there are only 06 witnesses, who are yet to be examined and the recovery of Rs. 25.00 lacs is yet to be effected. Learned State counsel, while making a specific reference to the earlier order dated 11.9.2020, whereby the petitioner's bail petition was dismissed, submits that there being no change of circumstance and no new facts pleaded in the present petition, the same is liable to be dismissed.

I have heard the learned counsel for the parties.

While dismissing the earlier bail petition, filed by the petitioner, this Court took into consideration the pleas taken by the petitioner. It could not be shown that the pleas raised in the present second petition for bail, were not considered by this Court while dealing with the earlier bail petition.

In view of the said fact, this Court finds that no indulgence is required to be given to the petitioner and the prayer for bail is liable to be rejected.

Consequently, the present bail petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

December 16, 2020
Gurpreet

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