

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

CRM-M-9662-2021 (O&M)

Date of Decision: 16.03.2021

MONU TANEJA

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Saket Kumar, Advocate for the petitioner.

Mr. Apoorv Garg, D.A.G. Haryana.

Mr. Pratham Sethi, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Case is taken up for hearing through video conferencing.

This is a second petition for grant of anticipatory bail in case bearing FIR No.335 dated 31.05.2020, registered under Section 306 read with Section 34 IPC, at Police Station City Sirsa, District Sirsa, the first one having been dismissed vide order dated 02.09.2020 passed by this Court.

Learned counsel appearing for the petitioner contends that the present petition has been filed for the reason that the factum of the petitioner's being not in communication with the deceased since February-March, 2020, was not taken into consideration, while dismissing the earlier bail petition. It is further contended that the deceased died on 30.05.2020 after having allegedly consumed poison on 21.05.2020. As the date of the

alleged consumption of the poison was much after the petitioner's having stopped his communication with the deceased, his involvement in the present case does not stand to the logic and clearly points out towards his false implication. Emphasizing on the said factual position, the learned counsel states that the petitioner cannot be booked for having instigated or abetted the deceased to commit the suicide. According to the learned counsel, the said fact being a change of circumstance, the necessity arose to file the present petition.

In support of his contentions, the counsel for the petitioner relies upon the judgments of the Hon'ble Supreme Court in Gangula Mohan Reddy Vs. State of A.P., 2010 (1) Scale 1 and Chitresh Kumar Chopra V Vs. State (Govt. of NCT of Delhi), (2009) 16 SCC 605, besides relying on other judgment(s) in respect of the personal liberty.

However, the aforesaid judgments are of no help to the petitioner for the reason that the same have been delivered while considering the validity of the conviction of the accused. Still further, the judgments with regard to the personal liberty cannot be a ground to hold the petitioner's false implication, especially when the guilt or innocence of the petitioner, is to be proved during the trial by leading cogent evidence.

The learned State counsel, while controverting the submissions of the counsel for the petitioner as regards the change of circumstance, vehemently contends that all the pleas raised in the present petition, having been pleaded in the earlier petition and considered by this Court, while passing the order dated 02.09.2020, no case is made out to maintain the present second petition. While referring to the concluding part of the aforesaid order, he contends that this Court had specifically observed that

the deceased had invested a huge amount at the behest of the petitioner and that the financial relationship having not been denied, it could not be said that the petitioner was falsely implicated in the present case.

He has relied upon an order dated 28.01.2021 passed by the Hon'ble Supreme Court in a Criminal Appeal arising out of SLP (Crl.) No. 213 of 2021 – G.R. Ananda Babu Vs. The State of Tamil Nadu & Anr., decided on 28.01.2021, wherein it has been held that the specious reason of change in circumstances cannot be invoked for successive anticipatory bail applications, once it is rejected by a speaking order and that too by the same Bench.

Having heard learned counsel for the parties, I do not find any merit in the present petition.

As noticed above, this Court in its order dated 02.09.2020, had noticed the entire factual position and after having considered the pleas raised in the petition(s) and the arguments advanced, dismissed the bail petitions filed by the petitioner and co-accused Hira Lal. Thus, this Court does not see any change of circumstance and hence, finds the present petition bereft of any merit.

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

16.03.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>