

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

CRM-M-11907-2021
Decided on : 24.03.2021

Nakib Hussain

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohd. Arshad, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Manjari Nehru Kaul, J.

This is the second petition filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.179 dated 09.08.2020 for the offences under Sections 379-A, 420 IPC, 1860 and Section 25, 54 and 59 of Arms Act, 1959 registered at Police Station Nagina District Nuh, Mewat.

On a pointed query put to learned counsel for the petitioner as to what was the substantial change in the circumstances subsequent to the withdrawal of the earlier petition bearing CRM-M No.1195 of 2021 on 11.02.2021, it has been submitted that besides challan having been presented, the petitioner had also approached the learned trial Court for grant of bail, which was dismissed on 24.02.2021. He further submits that in fact the petitioner has been falsely implicated in the case in hand and a recovery of Rs.6,500/- shown to have been effected from him. Learned counsel has submitted that the petitioner was illegally detained by the police for which his brother had approached this Court by way of CRWP No.9563 of 2020 and this Court had thereafter appointed a warrant officer to get the petitioner released. However, while the warrant officer was still on his way, the instant

case was registered by the police to save themselves. Hence, the prayer has been made to extend the concession of bail to the petitioner, who has been in custody since 11.11.2020.

Heard.

Learned counsel for the petitioner has miserably failed to satisfy this Court qua any substantial change of circumstance subsequent to the previous petition under Section 439 Cr.PC having been dismissed as withdrawn on 11.02.2021, which would warrant acceptance of this petition. Even the factum of CRWP No.9563 of 2020 still pending cannot be said to be any substantial circumstance as the said petition already stood filed when the first petition under Section 439 Cr.PC was dismissed by this Court on 11.02.2021. Still further, merely because the petitioner had approached the trial court by way of a fifth bail application subsequent to the withdrawal of the petition on 11.02.2021 cannot be considered to be a substantial change of circumstances. Still further, the submission of the learned counsel that subsequent to the withdrawal of the petition on 11.02.2021, Final Report under Section 173 Cr.PC had been presented against the petitioner, has been vehemently controverted by the learned State counsel on instructions from HC Krishan Kumar, who has apprised the Court that in fact that Final Report under Section 173 Cr.PC already stood presented prior to the dismissal of the petition bearing CRM-M-1195-2021.

As a sequel to the above, no ground is made out to extend the concession of bail. Accordingly, the present petition stands dismissed.

24.03.2021
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No