

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

(101)

**CRM-M-24776-2021
Date of decision: 06.07.2021**

Arun

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harkesh Manuja, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Through the instant second petition filed under Section 438 of the Code of Criminal Procedure, 1973, the petitioner seeks grant of anticipatory bail in FIR No.62 dated 10.02.2021, registered for offence under Section 379A of the Indian Penal Code, 1860 at Police Station Rai, District Sonapat (Annexure P-1).

FIR (Annexure P-1) has been registered on the statement of Amar Singh, truck driver, on the allegation that on 10.02.2021, when he was taking a loaded truck, two boys in a Santro car forced him to stop his truck. They took forcible possession of the truck, mobile phones and withdrew cash worth Rs.14,000/- on his ATM card.

Counsel for the petitioner has placed reliance upon interim order dated 17.03.2021 (Annexure P-5) passed by this Court in CRM-M-12043-2021, whereby co-accused, Sandeep @ Mota has been granted the

concession of interim bail and has submitted that the grant of interim protection to the co-accused amounts to a change in the circumstances to enable him to maintain the second petition for grant of anticipatory bail.

I have considered the submission addressed by counsel for the petitioner. The reliance placed by counsel upon the order (Annexure P-5) is of no help to him as the co-accused was extended the concession of interim bail on basis of affidavits executed by the complainant and the conductor, however, no such material has been placed before this Court in this petition. Moreover, it has come on the record that the petitioner has not joined the investigation and is avoiding arrest on one pretext or the other and his custodial interrogation is required for recovery of stolen articles.

Still further, this is the second petition for grant of anticipatory bail, which has been filed after the first petition was withdrawn on 03.03.2021 after arguments. Second petition invoking Section 438 Cr.P.C. on the ground of change in circumstances cannot be entertained as has been held by the Hon'ble Supreme Court in ***G.R.Ananda Babu Versus State of Tamil Nadu, decided on 28.01.2021 LL 2021 SC 48.***

Petition is dismissed.

It is clarified that nothing said herein above shall be construed to be an expression on the merits of the case.

(SUVIR SEHGAL)
JUDGE

06.07.2021
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No