216

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-37131-2021 (O&M).
Decided on: December 15, 2021.

Sanjay

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT **Mr.Sukesh K. Jindal, Advocate,**
for the petitioner.

Mr.Ranvir Singh Arya, Addl. A.G. Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present **third** petition has been filed under Section 439 of the Code of Criminal Procedure, for the grant of regular bail in FIR No.1010 dated 26.10.2017, under Sections 406, 420, 467, 468, 471, 506 and 120-B IPC, registered at Police Station, Chandni Bagh, District Panipat.

Learned counsel for the petitioner has submitted that earlier first petition filed by the petitioner before this Court was dismissed as withdrawn on 19.5.2021 vide Annexure P-1 and the second petition filed

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by the petitioner was dismissed as withdrawn on 16.7.2021 vide Annexure P-2. He has submitted that although about 4 months have expired but since the trial is not progressing, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that the present petition is not maintainable in view of the fact that there is no change of circumstance after the withdrawal of the earlier two petitions. He submitted that even long custody cannot become a ground for change of circumstance because the petitioner has withdrawn his earlier two petitions on 19.5.2021 and 16.7.2021. He has submitted that initially challan in the present case was presented on 13.5.2021 which was prior to the date on which the petitioner had withdrawn his earlier bail petitions and now after expiry of four months there is no change of circumstance and therefore, the present petition is not maintainable. He further submitted that even otherwise also, there are serious allegations of forgery of Will against the petitioner and no material witness has been examined till date and therefore, he has prayed for dismissal of the present petition

I have heard the learned counsel for the parties.

Earlier the petitioner has approached this Court for the grant of regular bail by filing a petition which was dismissed as withdrawn on 19.5.2021 vide Annexure P-1 and thereafter, again the petitioner filed a petition for regular bail which was dismissed as withdrawn on 16.7.2021 vide Annexure P-2. No change of circumstance has been shown either by the learned counsel for the petitioner or by the learned State counsel and

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therefore, the present third petition for regular bail cannot sustain. Furthermore, as pointed out by the learned State counsel that no witness has been examined till date and the allegations are pertaining to forgery of Will, no ground is made out for the grant of bail.

Consequently, the present petition is hereby dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

December 15, 2021. **(JASGURPREET SINGH PURI)**
raj arora **JUDGE**

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

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