

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

223

CRM-M-39075-2021 (O&M)
Date of decision: 01.11.2021

Karan Singh @Karna

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL , J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.354 dated 26.07.2020 registered under Sections 395, 458, 427, 506, 120B and Sections 25 of Arms Act, at Police Station Tosham, District Bhiwani.

Learned counsel for petitioner submits that the name of the petitioner did not mention in the FIR and even he has not been apprehended on the spot. The complainant who is posted as a Guard in ATM of HDFC Bank, has himself stated that the ATM machine was not having any cash and thus there was no monetary gain involved in the present case. It is further submitted that only allegation against the petitioner is that he was the driver of the car in which the

ATM machine, for the purpose of decoity, was taken and other co-accused are yet to be arrested. The petitioner has been in custody since 19.08.2020, challan has been presented and trial would take sufficient time to conclude as no prosecution witnesses have been examined till date.

Per contra, while opposing the concession of grant of regular bail to the petitioner, learned State counsel submits that this is the second bail application filed by the petitioner whereas, the earlier one was dismissed as withdrawn vide order dated 26.03.2021. It is stated that the recovery of an amount of Rs. 7000/- has been made on the disclosure statement of the petitioner himself. It is further submitted that there is no other changes of circumstances in the instant second petition for grant of regular bail to the petitioner and there is no fresh ground, therefore, the present petition is also liable to be dismissed

I have heard learned counsel for the parties.

Admittedly, there is no change of circumstances than the one, mentioned in the earlier petition. Still further no new facts have been pleaded and the same is liable to be dismissed. This Court took into consideration the pleas taken by the petitioner in the earlier petition. 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. The petitioner was driving the car in which the said ATM machine was taken and in fact he was guarding the entire process of decoity. Keeping in view of the nature and gravity of the offence, the petitioner cannot be granted the relief sought in the present petition.

No case is made out for grant of regular bail to the petitioner.

Dismissed.

01.11.2021

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(HARNARESH SINGH GILL)
JUDGE

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