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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1083-2022
Date of Decision: 03.02.2022

Aash Mohammad and another

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Goraya, Advocate, for the petitioners.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners in FIR No.111 dated 23.06.2020, under Section 136 of Electric Act, 2006, registered at Police Station Babain, District Kurukshetra.

It has been submitted by the learned counsel for the petitioners that earlier bail application was filed bearing CRM-M-41549-2021 which was dismissed on merits on 25.11.2021 and has submitted that although the present second petition has been filed after a period of about two months but the same may be entertained in view of the custody of the petitioners which is from 04.02.2021 which is almost one year. He further submitted

that although there is no change of circumstance between the date of order passed in the first petition and the filing of the present second petition but in view of the fact that the petitioners are in custody for about one year, they may be considered for the grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has opposed the regular bail to the petitioners on the ground of maintainability as well as on merits. He has submitted that the second bail petition is not maintainable after a gap of about two months once the earlier bail application has been dismissed on merits and there is no change of circumstance. He further submitted that the petitioners are involved in as many as 31 other cases of similar kind of theft of cooper wire on the transformer which belong to the Government and the petitioners belong to the State of Rajasthan and in case, the petitioners are released on bail, then there is likelihood that they may abscond from justice and it will affect not only the present case but also the other cases as well.

I have heard the learned counsel for the parties.

The present petition is the second petition filed by the petitioners and the earlier petition was dismissed on 25.11.2021 on merits. The petitioners have not been able to show any ground or change of circumstance.

In view of the aforesaid position, no ground is made out for the grant of regular bail to the petitioners, therefore, the present petition is dismissed.

However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

03.02.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No