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

**CRM-M-3127-2022
Date of Decision: 11.02.2022**

Vinod

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.N. Lohan, Advocate,
for the petitioner.

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

Through Video Conferencing

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed on behalf of the petitioner under Section 439 of the Cr.P.C. for grant of regular bail in case FIR No.221, dated 22.06.2021 under Sections 186, 34, 353, 392 & 397 of the IPC and Sections 25 & 29 of the Arms Act, 1959, Police Station Nangal Chaudhri, District Mahendergarh, Haryana.

Learned counsel for the petitioner has submitted that this is the second bail petition filed by the petitioner as the earlier bail petition was dismissed as withdrawn on 10.11.2021 in CRM-M-37747-2021 and thereafter, the other co-accused, namely, Naubat Ram @ Amit @ MLA has since been granted regular bail by this Court, therefore, he is also entitled for grant of regular bail.

On the other hand, Mr. Ranvir Singh Arya, learned State counsel has submitted that the petitioner had earlier withdrawn the bail petition on 10.11.2021 and the present bail petition has been filed on 19.01.2022, which is after 2 months and without any change of circumstance. He has submitted that there is no change of circumstance after the withdrawal of the earlier bail petition and now the present petition has been filed after a period of 2 months. He further submitted that so far as the bail granted to other co-accused- Naubat Ram is concerned, the petitioner is not at parity with the aforesaid Naubat Ram in view of the fact that the aforesaid Naubat Ram was granted bail due to extraordinary circumstances on 03.02.2022, wherein it was found that the mother of the aforesaid Naubat Ram was diagnosed with a severe disease of Leukemia which is a form of cancer and the aforesaid Naubat Ram was only son of the mother and therefore, in view of the special circumstances, he was granted bail and the petitioner is not at parity with the aforesaid Naubat Ram. The learned State counsel has further submitted that the earlier bail petition of the petitioner was withdrawn at that stage because no prosecution witness was examined. He further submitted that it is a case where name of the petitioner has been specifically mentioned in FIR and specific role has been attributed that he along with other co-accused had snatched the motorcycle at gun-point and there were also official files in the motorcycle.

I have heard the learned counsel for the parties.

The present second petition has been filed just after a period of two months after the withdrawal of the earlier bail petition. The petitioner is not at parity with the aforesaid Naubat Ram because aforesaid Naubat Ram was granted bail due to extraordinary special circumstances of that case. The

learned counsel for the petitioner has not been able to show any change of circumstance. Apart from the same, considering the allegations against the petitioner and the fact that no prosecution witness has been examined till date, no ground is made out for grant of bail, therefore, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner at this stage. Consequently, the present second bail 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.

11.02.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |