

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CRM No. M-4922 of 2022(O&M)
Date of Decision : 11.02.2022

Sunil alias Dhillu

....Petitioner

Versus

State of Haryana

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. V.P. Sangwan, Advocate for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.
(keeping in view advance copy given)

Harsimran Singh Sethi, J. (Oral)

CRM-3872-2022

Application is allowed, as prayed for.

CRM No. M-4922 of 2022

This is the 2nd petition filed by the petitioner under Section 439 Cr.P.C. for the grant of regular bail in FIR No. 0147, dated 12.08.2021, registered under Sections 302, 201, 34 IPC (Sections 302, 201, 34 IPC deleted and Section 306 IPC and Section 3(2)(va) of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) at Police Station Jhojhu Kalan, District Charkhi Dadri.

Learned counsel for the petitioner argues that the allegations

alleged in the FIR against the petitioner are false and as the investigation is

already over and the challan has already been presented, the petitioner may kindly be extended the concession of regular bail during the trial.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel, on the other hand, submits that the allegations alleged against the petitioner are very serious and in fact, the present petition, which has been filed, is totally an abuse of process of law with the reason that petitioner had filed CRM NO. M-54428 of 2021, which was withdrawn on 10.01.2022 and within a period of three weeks, the present petition has again been filed coupled with the fact that complainant is yet to be examined in the present case.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It is a conceded position that the petitioner had approached this Court seeking the concession of regular bail by filing CRM NO. M-54428 of 2021, which was dismissed as withdrawn on 10.01.2022 after addressing the arguments apprehending an adverse order still, within a period of three weeks, the present petition has been filed and that too without any change of circumstances except that the charges have been framed. The framing of the charges in the present case does not change circumstances so as to give entitlement to the petitioner to seek a regular bail. In the present case, once the allegations are serious and a person has lost his life and the complainant

is yet to be examined, no ground is made out to grant the petitioner the concession of regular bail.

Dismissed.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 11, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No