

CRM-M-9975-2022 (O&M)

Through video conference
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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M-9975-2022 (O&M).
Decided on: March 14, 2022.

Rupesh

.. Petitioner

VERSUS

State of Haryana

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Hemen Aggarwal, 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, seeking regular bail in FIR No.260 dated 3.8.2019, under Sections 148, 149, 323 and 506 IPC (Later on Sections 307 and 34 IPC added and Sections 148 and 149 IPC deleted), registered at Police Station Kharkhoda, District Sonipat.

Learned counsel for the petitioner has submitted that it is the third successive bail application filed by the petitioner and earlier first

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petition filed by the petitioner for the grant of bail was withdrawn by him on 29.6.2021 and the second petition for bail filed by the petitioner was dismissed on 28.9.2021. He submitted that trial of the case is not progressing and therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel has submitted that the present **third** petition for the grant of regular bail is not maintainable in view of the fact that earlier petitions for bail filed by the petitioner were dismissed and there is no change of circumstance. He submitted that it is a case where the present FIR was lodged on 3.8.2019 and the petitioner has been specifically named in the FIR along with other co-accused who had given beatings to the complainant and from the aforesaid date, the petitioner had been absconding for about 1½ years and he was ultimately arrested by the police on 13.4.2021 and there is an apprehension that in case the petitioner is released on bail then he may again flee from justice. He submitted that no prosecution witness has been examined till date and the apparent reason for non-examination of the prosecution witness was that an application was moved under Section 319 Cr.P.C. in the present case. He further submitted that be that as it may, the present **third** successive petition for bail would not be maintainable and the petitioner would not be entitled for the grant of bail in view of aforesaid circumstances.

I have heard the learned counsel for the parties.

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The petitioner had earlier filed two petitions for the grant of bail and the first petition was dismissed as withdrawn on 29.6.2021 vide Annexure P-4, and thereafter, he filed second petition for bail within a period of 3 months which was dismissed on 28.9.2021 by passing a detailed order vide Annexure P-5 because there was no change of circumstance and now this **third** petition for bail has been filed after a period of about 6 months and again there is no change of circumstance. Further, so far as merits of the present case are concerned, the ground taken by the petitioner is that the trial is not progressing although the charges in the present case were framed against Rohit son of Sunder and Rohit son of Ram Kumar but charges have not since been framed against the petitioner. Although the other aforesaid two co-accused have been granted bail by the learned trial Court but in the present case the State has expressed a strong apprehension that in view of the earlier conduct of the petitioner where he was absconding for more than 1½ years, there is every likelihood that in case the petitioner is released on bail, then he may again abscond. The prosecution witnesses have not been examined till date and therefore, the argument raised by the learned State counsel carries weight. Considering the totality of circumstances of the present case, I do not deem it fit and proper to grant the concession of regular bail to the petitioner. 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

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for the purpose of decision of present petition.

March 14, 2022.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

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