

CRM-M-11918-2022

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

CRM-M-11918-2022

Date of decision: 22.03.2022

Ravish

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nandan Jindal, Advocate,
for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this second petition, the petitioner seeks anticipatory bail in case bearing FIR No.251 dated 30.03.2016, registered at Police Station Sadar, District Hisar, under Sections 420, 406, 467, 468 471 and 120-B IPC.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; that neither the petitioner was named in the FIR nor any role attributed to him; that the petitioner has been arraigned as an accused after the death of his father and that nothing is to be recovered from the petitioner.

Learned counsel for the petitioner further contends that vide order dated 24.02.2022 passed by this Court, while dismissing the first petition of the petitioner, it was wrongly stated by the learned State

CRM-M-11918-2022

counsel, assisted by the learned counsel for the complainant, that a notice under Section 41 Cr.P.C. was issued against the petitioner, whereas it was issued against his father. Learned counsel further contends that it is a case wherein the criminal culpability, if any, of the deceased, father of the petitioner, has been transposed upon the petitioner despite there being no evidence or document against him. Learned counsel further contends that a perusal of the agreements dated 06.09.2014 (Annexure P-3 and P-4) shows that these are the same documents and there is no difference between them, except for the attestation by the Notary Public, Hisar. The learned counsel further contends that on the basis of the said document(s), complainant had received a sum of Rs.2 lakh as a security amount on the date of execution of the said agreement and Rs.3,40,000/- thereafter. In support of his contentions, the learned counsel relies upon the judgments delivered by the Hon'ble Supreme Court in Saneev Kapoor Vs. Chandana Kapoor and Ors. 2020 (2) R.C.R. (Criminal)105 and New India Assurance Co. Ltd. Vs. Krishna Kumar Pandey 2020 (1) Ori. Law Rev. 246, and by a Coordinate Bench in Sher Mohd. Khan Vs. Madan Lal and another 2013 (4) R.C.R. (Criminal) 5.

Notice of motion.

On the asking of this Court, Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana, accepts notice on behalf of the respondent-State.

At this stage, Mr. Suresh Kumar Kaushik, Advocate, puts in appearance on behalf of the complainant.

Learned State counsel, assisted by the learned counsel for the

CRM-M-11918-2022

complainant, while opposing the submissions made by the learned counsel for the petitioner, submits that the agreement was got attested by the petitioner from Puran Singh, Notary, who has suffered a statement in this regard. It is further submitted that the petitioner has played an active role in the offence.

I have heard the learned counsel for the parties.

This is the second petition for the grant of anticipatory bail to the petitioner, the first one was dismissed on 24.02.2022, by passing a detailed order.

So far as the contention of the learned counsel for the petitioner that in the order dated 24.02.2022 while dismissing the first petition, it was wrongly stated by the learned State counsel that a notice under Section 41 Cr.P.C. was served upon the petitioner, is concerned, the same is not acceptable, at this stage, for the reason that at the time of passing of the order dated 24.02.2022, the same was not controverted to by the learned counsel for the petitioner. Moreover, the first petition for anticipatory bail was not dismissed solely on the ground that a notice under Section 41 Cr.P.C. was served upon the petitioner, and rather it was dismissed keeping in view the allegation against the petitioner that the agreement had been got attested by the petitioner from Puran Singh, Notary, who had suffered a statement in this regard.

On a specific query put to the learned counsel for the petitioner, he has failed to show any substantial change in circumstance.

Moreover, the specious reason of change in circumstances cannot be

CRM-M-11918-2022

invoked for successive anticipatory bail application, once it is rejected by a speaking order. Reference may be made to the judgment dated 28.01.2021 delivered by the Hon'ble Supreme Court in SLP (Crl.) No.213 of 2021, titled as 'G.R.Ananda Babu Vs. State of Tamil Nadu & Another'.

The judgments relied upon by the learned counsel for the petitioner, are not applicable to the present case having distinguishable facts. Moreover, the said judgments do not deal with the case of anticipatory bail.

In view of the above, I do not find it a fit case where the petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

22.03.2022

parveen kumar

**(HARNARESH SINGH GILL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No