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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15289-2022
Date of Decision: 13.05.2022

Ajmil

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.S. Bajwa, Advocate for
Mr. A.S. Brar, Advocate, for the petitioner.

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

JASGURPREET SINGH PURI, J. (Oral)

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

Learned counsel for the petitioner has submitted that the petitioner is in custody from 04.02.2021 and, therefore, he may be considered for the grant of regular bail. However, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has vehemently opposed the grant of regular bail to the petitioner and has also argued on the maintainability of the present petition. He further submitted that the petitioner had earlier also filed a bail petition before this Court in CRM-M-

41549-2021 which was dismissed on merits by this Court on 25.11.2021. It is a case where the allegations against the petitioner pertain to theft of transformer in the midnight alongwith copper coils and the petitioner is involved as many as 31 cases of similar nature where there has been theft of copper coils and transformer belonging to the Electricity Department and an apprehension has also been expressed by the learned State counsel that since the petitioner belongs to State of Rajasthan and in case the petitioner is released on bail, then he may abscond and may also influence the witnesses.

After the dismissal of the aforesaid bail petition on 25.11.2021 the petitioner again filed CRM-M-1083-2022 after a period of two months and the said bail petition was dismissed on 03.02.2022 by noticing that the second bail petition was filed after a lapse of two months and there was no change of circumstance and, therefore, the second bail petition was also dismissed. Now the petitioner has filed a third bail petition again after a gap of two months and again there is no change of circumstance. The learned State counsel also submitted that the challan in the present case was presented on 02.04.2021 and the charges were framed on 17.08.2021 and there has been no change of circumstance and, therefore, the present petition is not maintainable after a gap of two months.

I have heard the learned counsel for the parties.

The present is the third successive bail petition filed by the petitioner. The earlier bail petition was dismissed on merits on 25.11.2021 and the second petition was dismissed on 03.02.2022 which was filed after gap of two months and again the present third bail petition has been filed after a gap of two months but there is no change of circumstance. The

difference of custody of two months of the petitioner cannot be termed as a change of circumstance.

Consequently, finding no merit in the present petition, the same is hereby 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.

13.05.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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