

225

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

**CRM-M-16870-2022
Date of Decision: 29.04.2022**

Vajinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Tribhawan Singla, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.0145, dated 22.07.2021 under Sections 420, 467, 468, 471 & 120-B of the IPC and Sections 25/27 of the Arms Act (during investigation, the offence under Section 27 of the Arms Act was deleted and offence under Section 465 of the IPC is added), registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 23.07.2021 and the investigation of the case has been completed, therefore, he may be considered for the grant of regular bail. He further submitted that earlier also he had filed a bail petition but the same was withdrawn by him on 11.02.2022 vide Annexure P-7. He also submitted that thereafter, co-accused, namely, Avtar Singh Maratta has been

granted interim anticipatory bail by this Court on 05.04.2022 vide Annexure P-10, and therefore, he has filed the second bail petition.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab has submitted that the present successive bail petition is not maintainable and has drawn attention of this Court to Annexure P-7 whereby the learned counsel for the petitioner after arguing for some time had prayed for withdrawal of the petition and the same was dismissed as withdrawn on 11.02.2022 and now just after a period of two months, he has again filed the present bail petition without any change of circumstance and there is no supervening factor in between. He further submitted that so far as the interim anticipatory bail granted to the co-accused, namely Avtar Singh Maratta is concerned, the petitioner is not in parity with the aforesaid co-accused in view of the fact that the aforesaid co-accused is only an arms dealer and so far as the role of the petitioner is concerned, a weapon was recovered from him while he was travelling in the car and his license was also found to be fake and therefore, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The present successive bail petition which has been filed just after a period two months when in the earlier bail petition the learned counsel for the petitioner after arguing for some time had withdrawn the same. Learned counsel for the petitioner has not been able to show any change of circumstance or any supervening factor. So far as the interim anticipatory bail granted to the co-accused, namely, Avtar Singh Maratta is concerned, the same is not in parity with the petitioner as the petitioner in

the present case is the main accused and there was a recovery of a 0.32 bore pistol, 14 live cartridges and 2 magazines from him and as per the learned State counsel the license was also found to be fake because the address given on the license was not the address where the petitioner resides. Apart from the same, as per the learned counsel for the parties no witness has been examined till date, therefore, this Court does not deem it fit and proper to grant 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 only meant for the purpose of decision of present petition.

29.04.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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