

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

CRM-M-17960-2022 (O&M)
Decided on : 11.05.2022

Sheru @ Sher Mohammad

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Rosi, Advocate
 for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

CRM-16751-2022

Application is allowed as prayed for and document Annexure
P-7 is taken on record subject to all just exceptions.

Main case

This is the third petition filed under Section 439 Cr.PC for releasing the petitioner on bail in case FIR No.484 dated 14.09.2019 under Sections 148, 149, 323, 302, 307, 506, 120-B IPC (Sections 201, 212 IPC added later on) and Section 25/54 of Arms Act, 1959 registered at Police Station Sadar Tauru, District Nuh.

On a pointed query put to learned counsel for the petitioner as to what was the material change in the circumstances subsequent to the withdrawal of previous petition on 14.12.2021, she has miserably failed to bring to the notice of this Court any material change in circumstances. Rather there has been no change in circumstances. She only submits that it was only on the basis of a disclosure statement of the co-accused

that the petitioner was nominated as an accused. Her contention that it was on the basis of disclosure statement of the co-accused that the petitioner had been nominated as an accused, cannot be taken to be any material change in the circumstances because the said fact was already in existence when the previous petition under Section 439 Cr.PC was filed and dismissed as withdrawn.

No ground is thus, made out to accept the prayer of the petitioner for extending him the concession of bail. Accordingly, the present petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.05.2022
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No