

DHARAMPAL SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajinder Goyal, Advocate
for the petitioner.Ms. Deepshikha Chauhan, AAG, Haryana
for State-respondent No.1.SUVIR SEHGAL J. (ORAL)

Custody Certificate dated 09.08.2022 has been filed by the State,
which is taken on record.

This is the third petition filed under Section 439 of Cr.P.C. for the
grant of regular bail to the petitioner in case FIR No.59 dated 14.03.2020 under
Sections 302/379/201 IPC and Section 27/29 of NDPS Act, 1959 registered at
Police Station Nissing, District Karnal (Annexure P-1).

Heard counsel for the parties.

Previous petition preferred by the petitioner was rejected on
17.02.2022 with following observations:

*“The accusations against the petitioner are grave
and the prosecution apparently possesses sufficient
incriminating material against him, which includes the call
details between the deceased and the accused. Recovery of
syringes, their wrappers, mobile phone, turban of the
petitioner with blood stains, which match the blood of the
deceased etc. has been effected on the basis of disclosure
statement of the petitioner. The petitioner is accused of*

injecting a lethal overdose of a highly virulent drug and when the condition of the deceased deteriorated, he left him to die in his car on a highway instead of getting any medical aid for him. Co-accused is yet to be arrested. The petitioner has criminal antecedents, the details of which he has suppressed from this Court despite having been given an opportunity vide order dated 24.11.2021 to bring the same on the record. The detail of the cases in which he is involved is as under:

(i) FIR No.569 dated 25.07.2014 lodged for offence under Section 68 of the Punjab Excise Act, 1914 at Police Station Civil Lines, Karnal, wherein he has been convicted and sentenced to imprisonment for the period undergone;

(ii) FIR No.228 dated 31.10.2006 registered for offences under Sections 279 and 337, IPC at Police Station Madhuban, wherein vide order dated 22.04.2008, he has been declared as a proclaimed offender; and

(iii) FIR No.28 dated 13.02.2001 registered for offenses under Sections 498-A, 406 and 506, IPC at Police Station Nissing, Karnal, wherein the petitioner has been acquitted, vide order dated 16.07.2009.

Keeping in view the totality of the above facts and circumstances as well as the role ascribed to the petitioner, this Court is of the view that he cannot be granted the concession of bail pending trial.”

Except for the fact that the complainant who has supported the prosecution and a few formal witnesses have been examined, there is no change in the circumstances.

It has been held by the Hon'ble Supreme Court in ***Hari Singh Mann Versus Harbhajan Singh Bajwa (2001) 1 SCC 169; State of Madhya Pradesh Versus Kajad 2001 SCC (Criminal) 1520 and State of Maharashtra Versus***

Capt. Buddhikota Subha Rao 1989 Supl. (2) SCC 605 that filing of repeated applications seeking grant of bail amounts to seek review of the previous orders which is not permissible in criminal law.

In view of the above, there is no merit in the present petition, which is hereby, dismissed.

It is clarified that nothing said hereinabove shall be construed to be an expression on merits of the case.

August 16, 2022
sonia

(SUVIR SEHGAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>