

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

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CRM-M-47460-2022 (O&M)

Date of Decision: 17.10.2022

LOVELY MEHTA @ SUNNY MEHTA

...Petitioner

Versus

UT. CHANDIGARH

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Aman Deep Saini, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Through this 2nd petition, the petitioner seeks anticipatory bail in case bearing FIR No.79 dated 13.05.2022, registered under Sections 420, 406 and 120-B IPC, at Police Station South Sector-34, Chandigarh, the first one being dismissed on merits by this Court on 01.06.2022.

Learned counsel for the petitioner submits that the petitioner is a taxi Driver and had taken the alleged car on rent on contractual basis and that the car has already been recovered and nothing further is to be recovered from him.

In support of his contentions, learned counsel for the petitioner relies upon the order dated 20.09.2022 passed by Hon'ble Allahabad High Court in Criminal Miscellaneous Anticipatory Bail Application No.1327 of 2022 titled Anurag Dubey vs State of UP.

Notice of motion.

On the asking of this Court, Mr. Abhinav Gupta, Additional

PP UT Chandigarh, accepts notice on behalf of the respondent-State and submits that since the earlier anticipatory bail petition was dismissed by this Court on merits on 01.06.2022, the successive petition is not maintainable as it amounts to revision of the earlier order. He further submits that there are serious allegations against the petitioner, inasmuch as, he along with the co-accused after taking the vehicles on rent, removed their GPS system and misused the same. Still further, it is submitted that mere recovery of a car does not entitle the petitioner to the grant of anticipatory bail as there is no change in circumstance. In support of his contentions, learned UT counsel relies upon the order dated 28.01.2021 passed by Hon'ble Supreme Court in GR Ananda Babu vs State of Tamil Nadu and Another, 2021 (1) RCR (Criminal) 843.

I have heard the learned counsel for the parties.

There is no denial to the fact that the earlier bail petition preferred by the petitioner was dismissed by this Court on 01.06.2022 by passing a detailed order. The allegations against the petitioner are against the society at large. Mere recovery of the car is not a ground to enlarge the petitioner on anticipatory bail moreso, when there is no fresh cause of action.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

17.10.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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