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

**CRM-M-57173-2022
Date of Decision: 20.12.2022**

Mandeep Singh @ Dharu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vikram Satpal Anand, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.122, dated 14.07.2020 under Sections 302 & 34 IPC and Section 25 of the Arms Act, 1959, (Later on Section 120-B IPC and Sections 54/59 of the Arms Act were added), registered at Police Station City South, District Moga.

Learned counsel for the petitioner has submitted that the petitioner had earlier filed a petition for regular bail before this Court which had been dismissed on 23.03.2022 vide CRM-M-1855-2022 and further submitted that thereafter, there is no progress in the trial and therefore, the successive bail petition has been filed for seeking grant of regular bail, since the petitioner is in custody from 02.09.2020.

On the other hand, Mr. Jashandeep Singh, learned Assistant Advocate General, Punjab has vehemently opposed the grant of regular bail to the petitioner on the grounds that the charges have not been framed as yet and the earlier bail petition was dismissed on merits. He further submitted that the petitioner is involved in other criminal cases and so far as the present case is concerned, during investigation it was found that the petitioner had hatched a conspiracy with the co-accused in committing the murder of the brother of the complainant and since the witnesses are yet to be examined, there is a strong apprehension that in case the petitioner is released on bail then he may not only abscond from justice but may also influence the witnesses and even may tamper with the evidence. While referring to the affidavit filed by the State, he submitted that the petitioner is involved in large number of cases pertaining to Section 307 and 302 IPC and also submitted that considering the gravity and magnitude of the offence and also the antecedents of the petitioner, he is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

Earlier the petitioner had filed a bail petition before this Court which was dismissed on 23.03.2022. Although successive bail petition would be maintainable after such a long period of time but the present petitioner does not deserve the concession of regular bail in view of the fact that the petitioner is involved in a large number of other criminal cases and in the present case, the allegation was with regard to committing of murder of the brother of the complainant. No witness has been examined till date and the apprehension expressed by the learned State counsel cannot be

ignored and does carry weight. Therefore, without expressing anything on the merits of the case, this Court is of the view that considering the stage of the case, gravity and magnitude of the offence and the apprehension expressed by the learned State counsel, this Court does not deem it fit and proper to grant regular bail to the petitioner.

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 only meant for the purpose of decision of present petition.

20.12.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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