

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

(205)

CRM-M-6230-2023

Date of decision : 10.02.2023

Kalu Alias Harjeet Alias Kalu Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Peeush Gagneja, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

...

SUVIR SEHGAL, J. (Oral)

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail.

Custody Certificate dated 09.02.2023 has been filed by the State,
which is taken on record.

Previously petitioner approached this Court by filing CRM-M-7586-2022, which was withdrawn after arguments on 16.08.2022, and this Court passed the following order:-

“Instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0266 dated 01.09.2020 registered under Sections 363, 366-A, 376(3), 376(2)(n), 506, 34, 120-B of Indian Penal Code, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Ellenabad, District Sirsa (Annexure P-1).

Custody certificate dated 15.08.2022 has been filed, which is taken on record.

When confronted with the testimony of the prosecutrix (Annexure P-3), as well as her medical report, counsel for the petitioner seeks and is granted permission to withdraw the petition, at this stage.

Dismissed as withdrawn, at this stage.”

Counsel for the petitioner has not been able to show any change in the circumstances. Merely, because the petitioner has undergone some more custody, cannot be taken as a change of circumstances enabling him to move this Court again within few months after the dismissal of first petition.

Petition is dismissed.

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

(SUVIR SEHGAL)
JUDGE

10.02.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No