

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-20993-2023

Date of Decision : 27.04.2023

Dinesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present : Mr. B.S. Bhalla, Advocate for the petitioner.

ASHOK KUMAR VERMA, J. (ORAL)

1. The petitioner has filed the present (second) petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.175 dated 14.08.2022 registered under Sections 406, 408, 420 and 120-B of the Indian Penal Code, 1860 at Police Station Sarabha Nagar, Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Earlier petition bearing No.CRM-M-46984-2022 filed by the petitioner for grant of anticipatory bail was dismissed by this Court vide order dated 17.10.2022. Thereafter, the matter has been compromised between the parties and more than the disputed amount has been returned to the complainant. Main accused Gaurav Aggarwal has already been granted concession of anticipatory bail by learned Additional Sessions Judge, Ludhiana vide order dated 01.03.2023. The petitioner is already ready and willing to join the investigation.

3. Notice of motion.

4. On the asking of the Court, Mr. Jaspal Singh Guru, Asstt. A.G., Punjab, who is present in the Court, has accepted notice on behalf of the respondent-State and has vehemently opposed the present petition.

5. At this stage, Mr. Vaibhav Sehgal, Advocate has put in appearance on behalf of the complainant and opposed the present petition on the grounds that the compromise has been effected between the complainant and some of the co-accused. The petitioner is not the signatory of the compromise. The present second petition is not maintainable as the first petition filed by the petitioner for grant of anticipatory bail has already been dismissed by this Court.

6. I have heard learned counsel for the parties and perused the record.

7. It is not disputed that the petitioner filed first petition bearing No.CRM-M-46984-2022 for grant of anticipatory bail under Section 438 of the Cr.P.C. which has been dismissed by this Court by passing a detailed order dated 17.10.2022.

8. Learned counsel for the petitioner has failed to show as to whether there is any substantial change in the circumstances after rejection of the earlier bail petition of the petitioner by this Court on 17.10.2022. Moreover, the petitioner is not the signatory of the compromise and he cannot take the benefit of compromise effected between the complainant and co-accused of the petitioner.

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9. In this view of the matter, this second bail petition cannot be entertained by this Court and the same is hereby dismissed.

27.04.2023 (ASHOK KUMAR VERMA)
Kothiyal JUDGE

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