

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-27764-2023

Date of decision: 02.06.2023

Yogesh @ Bhanu Rana

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Siddarth, Advocate for the petitioner.

Mr. Chetan Sharma, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.266 dated 17.12.2021 under Sections 148, 149, 307, 395, 397, 427 and 120-B of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC') registered at Police Station Sadar Ambala, District Ambala.

2. At the outset, when a pointed query was put to the learned counsel for the petitioner to bring to the notice of this Court any material change in circumstances which would warrant entertaining this petition, as the previous petition was dismissed on merits on 19.01.2023, he has simply stated that challan had since been presented and the petitioner had been acquitted in 06 criminal cases, which stood registered against him.

3. Learned State counsel has, however, vehemently opposed the prayer and submissions made by the counsel opposite by urging that the petitioner is a man of criminal antecedents as he is involved in 10 criminal cases under various provisions of the IPC as well as the Arms

Act. It has also been submitted by the learned State counsel that mere presentation of challan, after the dismissal of the previous petition on 19.01.2023, could not be a ground entertain the instant petition. Learned State counsel has further urged that it was a pre-mediated attack carried out by the petitioner, along with co-accused, and he inflicted injuries dangerous to life, on the complainant with iron rods and also looted ₹1,25,000/- from him. He has further submitted that recovery of a country made pistol was also effected from the petitioner, after the registration of the FIR in question.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner is a man of criminal antecedents as he is involved in 10 criminal cases under various Sections of the IPC and the Arms Act. Seeing to the criminal antecedents of the petitioner, this Court is not inclined to extend him the concession of bail. Moreover, presentation of challan, after the dismissal of the first petition as recently as on 19.01.2023, cannot be said to be a material change in circumstances to entertain the instant petition.

6. In the facts and circumstances as enumerated hereinabove, the instant petition is dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.06.2023

(MANJARI NEHRU KAUL)

Vinay

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No