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

**CRM-M-59535-2022
Date of Decision: 10.03.2023**

Ritik @ Sita

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Jattan, Advocate,
for the petitioner.

Ms. Nidhi Garg, AAG, Haryana.

Mr. Vinay Kumar Arya, Advocate,
for respondent Nos.2 to 4.

JASGURPREET SINGH PURI, J. (ORAL)

The present is a second petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.676, dated 06.12.2021, under Sections 195-A & 506 IPC, registered at Police Station Section 32-33, Karnal, District Karnal.

Learned counsel for the petitioner has submitted that the present is a second bail petition filed by the petitioner and his first bail petition was dismissed by this Court by passing a detailed order on 29.03.2022 in CRM-M-6431-2022 vide Annexure P-6. He further submitted that the allegations against the petitioner were that he had threatened the witnesses, namely, Rajat and Sachin and in fact after the dismissal of the earlier bail petition on

merits, there had been a compromise between the petitioner and the aforesaid witnesses and that is why the second petition was filed in which notice has been issued. He also submitted that even the learned counsel for the aforesaid two persons i.e. respondent Nos.3 & 4 has also caused appearance in the present case and so far as the factum of compromise is concerned, there is no dispute with regard to the same, therefore, the petitioner may be considered for the grant of anticipatory bail.

On the other hand, Ms. Nidhi Garg, learned Assistant Advocate General, Haryana, has filed reply by way of an affidavit of Deputy Superintendent of Police, Karnal-2 in the Court today and the copy thereof has been supplied to the learned counsel for the petitioner, who has perused the same. She further submitted that the petitioner had been absconding for long time even after the dismissal of the earlier bail petition and he did not join the investigation. She submitted that thereafter the proceedings under Section 82 of the Code of Criminal Procedure were initiated against him and while referring to Para No.6 of the affidavit, she submitted that vide order dated 11.10.2022, the petitioner was declared as P.O. by the Court of learned JMIC, Karnal. Thereafter, even an application was moved by the State before the Halqa Patwari for seeking property details of the present petitioner for property attachment but no property was found in the name of the petitioner. She also submitted that the aforesaid compromise between the petitioner and the aforesaid two witnesses i.e. respondent Nos.3 & 4 would not have vested any right upon the petitioner for grant of anticipatory bail in view of the law laid down by the Hon'ble Supreme Court in "*State of M.P Vs Pradeep Sharma*", 2014(2) SCC 171. She further submitted that apart from the above,

the petitioner had also filed a petition under Section 482 of the Code of Criminal Procedure for quashing of the FIR based upon the compromise and the same has also been dismissed by this Court in CRM-M-28867-2022. She also submitted while referring to Para 8 of the affidavit by stating that the petitioner is also involved in three more cases of serious nature. Further while referring to Para 9 of the affidavit, she submitted that in view of the aforesaid circumstances where the petitioner has already absconded and has been declared as Proclaimed Offender, in case, he is granted anticipatory bail, then he may again abscond from the Court and his presence cannot be secured especially in view of the fact that there is no property in his name at all. Learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

The petitioner had earlier filed a bail petition which was dismissed on merits vide Annexure P-6. Thereafter, the present second petition was filed on the ground that a compromise has been effected between the petitioner and respondent Nos.3 & 4 and the allegation against the petitioner was that he had threatened the aforesaid persons, who are witnesses in the case. The earlier bail petition was dismissed on 29.03.2022 which is almost 11 months ago and the petitioner did not join the investigation despite the notices issued by the police, and thereafter, the proceedings under Section 82 of the Code of Criminal Procedure were initiated and he has already been declared as Proclaimed Offender on 11.10.2022.

In the peculiar facts and circumstances of the present case, there is no cogent ground with the petitioner for filing the present anticipatory bail

petition once this Court had already dismissed the earlier bail petition on merits and particularly in view of the fact that the petitioner has already declared as Proclaimed Offender, and therefore, the anticipatory bail cannot be granted unless there are very strong reasons for the same. Apart from the above, the petitioner is also stated to be involved in three more cases of serious nature as stated by learned State counsel.

In view of the aforesaid totality of the facts and circumstances, no ground is made out for grant of anticipatory bail to the petitioner, therefore, the present petition 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.

10.03.2023*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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