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

**CRM-M No.18382 of 2024
Date of Decision: 17.09.2024**

Swarup Singh @ Roop ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Kumar Yadav, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab,
for the respondent-State.

Mr. Shubham Goyal, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No.220 dated 11.11.2022 registered under Sections 376, 420 and 506 of IPC at Police Station City Phagwara, District Kapurthala. His first petition for bail had been dismissed vide order dated 17.11.2023 passed in CRM-M No.43086 of 2023.

2. As per the prosecution case, initially a written complaint was submitted by the present petitioner alleging therein that he came in contact with the victim "S" (name withheld) in 2021. She was having

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strained relations with her husband and divorce proceedings were going on between them. The wife of the petitioner had died. His relations with “S” had become intimate and they had started living in live-in-relationship in view of the proposal made by “S” that they would get married after she was divorced from her husband. The petitioner alleged that “S” used to remain depressed due to behaviour of her son who was living with his father. Her condition had started deteriorating and she even started suffering from loss of memory. The petitioner took her to hospital for treatment. On 17.08.2022, he had left “S” at her parental house on request of her brother that he would take her to hospital. On 20.08.2022, “S” left her parental house without giving any information to anyone. The petitioner raised apprehension in his complaint that the condition of “S” might deteriorate further and prayed for taking some action. On his complaint, an inquiry was conducted and it was revealed that the husband of “S” was confined in jail in connection with some case and thereafter the victim “S” had come into contact with the petitioner who on the pretext of getting her husband released from custody, developed physical relations with her and started blackmailing her. He had extracted huge amount of money and gold ornaments from the victim who had subsequently become depressed but then managed to escape from the trap of the petitioner. A case under Sections 376, 420 and 506 of IPC was registered as against the petitioner. Investigation proceedings were initiated. He was arrested on 11.11.2022. Presently, he is facing trial for commission of aforementioned offences.

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been falsely implicated in this case. Infact the victim was quite depressed feeling hurt by the act and conduct of her family members. They were in consensual and live-in-relationship with each other. The petitioner had taken the victim to various places in order to improve her health condition. Infact, brother and maternal grandmother of the victim were trying to get her property transferred in their names by playing fraud upon her by taking undue benefit of her illness and as the petitioner supported her, hence, he had been falsely implicated in this case as the victim was induced by her relatives to do so. The victim has since been examined. There are no chances of his intimidating the victim or any other witness. He is in custody since long. The ingredients for commission of offences of rape or cheating have not at all been attracted. The trial is likely to take time. Each day in custody has furnished a new ground to him to seek benefit of bail. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. In terms thereof, learned State counsel assisted by learned counsel for the complainant has argued that the allegations against the petitioner are serious in nature. The trial is going at a proper pace. The previous bail petition of the petitioner was dismissed on merits. No substantial change in the circumstances has been made out thereby entitling the petitioner to seek concession of bail. The second/successive petition for grant of bail is not maintainable. Therefore, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

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6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 17.11.2023. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another, (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

7. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that in view of the position explained above, no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. The allegations against the petitioner are that he developed physical intimacy with the victim on the pretext of extending help to her in release of her husband from jail and by

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doing so, he is alleged to have committed rape upon her, blackmailed her and then criminally intimidated her. The victim has since been examined. Copy of her statement has been placed on record as Annexure P-6. She is shown to have supported the prosecution version. Keeping in view the nature and gravity of the subject offences, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. Mere examination of the victim and extended period of incarceration are not a ground for grant of such benefit. In view of the discussion as made above, it is held that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

17.09.2024
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(MANISHA BATRA)
JUDGE

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