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

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Date of decision: 2<sup>nd</sup> September, 2024

Deep Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. P.S. Chauhan, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

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**MANISHA BATRA, J (ORAL):-**

The instant one is second petition for grant of regular bail as filed by the petitioner in case arising out of FIR No. 22 dated 28.01.2022 registered under Sections 304-B and 34 of Indian Penal Code, 1860 at Police Station Kosli, District Rewari, Haryana. The previous petition making prayer for grant of similar relief which was bearing No. CRM-M-21270-2023 had been dismissed by this Court vide order dated 20.03.2024.

2. The petitioner is facing trial in the aforementioned FIR on the allegations of causing dowry death of victim Ritu, with whom he was married one year and one month back from the date of her death. Along with this, CRM-28265-2024 has been filed making the alternative prayer for grant of interim bail for one month that he is suffering from piles and fissure and is to be operated upon.

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3. Status report to the main petition and reply to the application have been filed by the respondent-State. As per the reply to the application, the petitioner has already undergone surgery on 08.08.2024. He had been admitted in surgery ward of Civil Hospital, Rewari during the post operative period and discharged from the said hospital on 10.08.2024. As per this reply, the general condition of the petitioner is satisfactory and he is being taken up for follow up consultations in the surgery department and requisite medicines are being provided to him.

4. In view of this situation, when the surgery of the petitioner has already been done, this Court confines no ground to grant any relief on the application bearing CRM-M-28265-2024, the same is accordingly dismissed.

5. With regard to the prayer made by the petitioner for grant of regular bail, the only contention that has been raised by learned counsel for the petitioner is that extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

6. *Per contra*, it is argued by learned counsel for the respondent-State that the previous petition as filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner.

Allegations against the petitioner are quite serious in nature. Therefore, it is



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urged that the petition does not deserve to be allowed.

7. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

8. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 20.03.2024. The instant one has been filed within a period of four months of the said order. 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.

9. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic



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change from the date of dismissal of the previous petition as moved by the petitioner has been pointed or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. It is all the more relevant to mention here that witnesses PW-1 and PW-2 had already been examined when the previous petition as filed by the petitioner was dismissed and this fact had also been discussed while passing the order dated 20.03.2024. There are serious and specific allegations against the petitioner. The trial is also going on at a good pace and there is nothing to show that there would be any undue delay in conclusion of the same. Keeping in view the nature and gravity of the offence, 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. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

10. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**2<sup>nd</sup> September, 2024**

*Parveen Sharma*

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*  
: *Yes / No*