



CRM-M-40902-2024 (O&M)

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

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**CRM-M-40902-2024 (O&M)
Date of decision: 27.11.2024**

Harkirat Singh**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present: Mr. Navkiran Singh, Advocate for the petitioner.****Mr. Neeraj Poswal, AAG, Haryana.***********MANISHA BATRA, J. (Oral):-**

1. The instant one is the second petition for grant of regular bail in case arising out of FIR No. 52 dated 17.05.2021 registered under Sections 304-B and 120-B of IPC, 1860 at Police Station Panjokhara, District Ambala. His first bail petition had been dismissed by this Court vide order dated 02.02.2024 passed in CRM-M-54209-2023.

2. The aforementioned FIR has been registered on the basis of statement recorded by Sukhwinder Kaur whose daughter i.e. the victim Navneet Kaur had died on 17.05.2021 due to ingestion/consumption of some poisonous substance. She was pregnant at that time. She was married with the present petitioner on 17.10.2020. The complainant had alleged that the present petitioner and his family members had been harassing the victim on account of demand of big car and more money and used to taunt her. She also alleged that the victim before her death had told her maternal aunt



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(*maasi*) i.e. PW-2 Parwinder Kaur that poisonous substance had been administered to her by the petitioner and the co-accused. The petitioner was arrested on 18.05.2021 and he is in custody since then.

3. It is argued by learned counsel for the petitioner that he is in custody for a period of 3 ½ years. Trial is likely to take time as eleven witnesses of the prosecution still remain to be examined. No useful purpose would be served by detaining him in custody anymore. The extended period of custody has entitled him to be released on bail. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. It is argued by learned State counsel assisted by learned counsel for the complainant that no ground for releasing the petitioner on bail is made out as the allegations against him are specific and serious in nature. The victim who was pregnant had died within a period of one year of her marriage with the petitioner. Her death was a dowry death as she was harassed on account of demand of big car and more money. No substantive or specious change in the circumstances since the dismissal of his previous petition for grant of bail is made out. The plea for grant of bail of the petitioner has even been declined by the Hon'ble Supreme Court, vide order dated 11.03.2024 (Annexure P-17). The complainant and eye-witness Parwinder Kaur had already been examined at the time of dismissal of the previous petition for grant of bail as filed by the petitioner. With these broad submissions, it is urged that the petition does not deserve to be allowed.



State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have caused the dowry death of the victim within a period of one year of her marriage with him. The victim was 28 weeks pregnant at that time and the child in her womb had also died. The mother and maternal aunt of the victim had already been examined and supported the prosecution version. There is nothing on record to show that there is any undue delay in conclusion of the trial. The previous petition as filed by the petitioner for grant of regular bail had been dismissed, vide order dated 02.02.2024. The instant one has been filed within a period of six months of the said order. The petitioner had approached even Hon'ble Supreme Court for grant of bail but his prayer was declined. 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 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. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. 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 aforesaid facts and circumstances, 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, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

27.11.2024
Waseem Ansari

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