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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49726-2024
Date of decision: 08.11.2024

RAJINDER SINGH @ RAJI

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

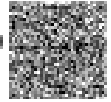
Mr. Rajiv Verma, DAG, Punjab.

Mr. Vishwajit Bedi, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a third petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.38 dated 08.04.2021, under Sections 302, 34, 328 and 201 of the IPC, registered at Police Station Amloh, Fatehgarh Sahib, Punjab.
2. This is a third successive regular bail petition filed by the petitioner and the earlier bail petition bearing CRM-M-2552-2024 was dismissed as withdrawn on 08.08.2024. The aforesaid order is reproduced as under:-

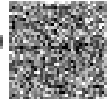
1. *After arguing for some time, learned counsel for the petitioner prays for withdrawal of the present petition.*
2. *Dismissed as withdrawn.*



3. Learned counsel for the petitioner submitted that the petitioner is in custody for 3 years and 7 months and although the earlier regular bail petition was dismissed as withdrawn on 08.08.2024 but the present successive regular bail petition is maintainable. He further submitted that it is a case of delayed trial where 3 years and 7 months have elapsed and 19 prosecution witnesses including the material witnesses have been examined. He also submitted that one of the co-accused, namely, Manpreet Kaur has been extended the benefit of regular bail by a Coordinate Bench of this Court on 10.01.2024 and therefore, the petitioner may also be considered for the grant of regular bail.

4. On the other hand, learned State counsel as well as learned counsel for the complainant have vehemently opposed the grant of regular bail to the petitioner on the ground that the present successive regular bail petition is not even maintainable because earlier when the petitioner filed the regular bail petition through the same counsel, the same was dismissed as withdrawn on 08.08.2024 and just after 52 days, the present regular bail petition has been filed by the petitioner for grant of regular bail without any change of circumstance. They further submitted that it is a case where the allegation against the petitioner was that he was having illicit relationship with the aforesaid co-accused, namely, Manpreet Kaur, who has been granted the benefit of regular bail by a Coordinate Bench of this Court on 10.01.2024 and the deceased person is the husband of the aforesaid Manpreet Kaur and direct role is attributable to the petitioner and the matter is also serious in nature.

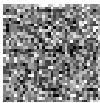
5. I have heard the learned counsels for the parties.



6. The petitioner had earlier filed a regular bail petition before this Court and the same was dismissed as withdrawn on 08.08.2024 and after about 52 days, the petitioner has again filed the present successive regular bail petition on 29.09.2024. An argument has been raised by the learned counsel for the petitioner that because of delayed trial the petitioner is entitled for grant of regular bail. However, such a plea was also available with him at the time when he had earlier filed regular bail petition but he had chosen to withdraw the said bail petition. Learned counsel for the petitioner has not been able to show any change of circumstance. The second argument has also been raised by the learned counsel for the petitioner that the aforesaid co-accused, Manpreet Kaur has been extended the benefit of regular bail and therefore, the petitioner may also be released on bail. However, a perusal of the order of bail of the aforesaid Manpreet Kaur would show that the concession of regular bail was granted to her by a Coordinate Bench of this Court on 10.01.2024, which was about 7 months before the withdrawal of the earlier regular bail petition on 08.08.2024 and therefore, such kind of plea taken by the learned counsel for the petitioner is not sustainable.

7. Hon'ble Supreme Court in *State of Madhya Pradesh versus Kajad, 2001 (7) SCC 673* held that successive bail applications although are permissible but not without changed circumstances otherwise it would amount to review. In the present case, after withdrawing the bail application, it has again been filed after 52 days without any change of circumstance.

8. After hearing learned counsels for the parties, this Court is of the considered view that the present successive regular bail petition which has been



filed by the petitioner after 52 days of the earlier regular bail petition being dismissed as withdrawn would not be maintainable at this stage.

- 9. Consequently, the present petition is dismissed.
- 10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

08.11.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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