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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM No.42431 of 2024 in/and
CRA-S No.3496 of 2024
Date of decision: 08.11.2024

Semil Malhotra ... Appellant

Vs.

State of U.T Chandigarh ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Manjot Singh Gujral, Advocate,
for the applicant-appellant.

Mr. Manish Bansal, PP, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed by the appellant challenging the order dated 03.04.2024 as passed by the Children Court, Chandigarh in case arising out of FIR No.21 dated 30.01.2023 registered under Sections 376, 366, 328, 506 and 120-B of IPC at Police Station West Sector 11, Chandigarh, whereby an application filed by him for grant of regular bail had been dismissed. Delay of 136 days in filing the appeal is

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sought to be condoned on the ground that the appeal filed by the applicant is likely to succeed in view of the grounds stated therein and due to the fact that he has suffered huge incarceration. On a perusal of this application, it is very much clear that no ground whatsoever explaining the delay in filing the appeal has been given in the application what to say of any reasonable ground. Even otherwise, by filing this appeal, the applicant-appellant seeks challenge to the order dated 03.04.2024 despite the fact that this very order as passed by the Children Court had already been challenged by him in appeal bearing No.CRA-S-1679 of 2024 before this Court which was dismissed on 30.05.2024. On a perusal of the grounds of appeal as well as the contents of the order dated 30.05.2024 (Annexure P-8), it is revealed that the same are similar with no substantive change in the circumstances and only by making some cosmetic changes. The aforementioned appeal had been decided by this Court after taking into consideration the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 (For short “Act, 2015”) and especially Section 12 thereof.

2. Learned counsel for the applicant-appellant has not been able to cite any provision of law to show that second appeal against the same order dated 03.04.2024 is maintainable. As such, neither the application for condonation of delay deserves to be allowed nor the appeal is

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maintainable. Accordingly, the application for condonation of delay as well as the appeal are dismissed.

08.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No