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

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CRM-M-29125-2025 (O&M)

Date of decision: 02.07.2025

Amandeep Kamboj @ Aman**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Nikhil Ghai, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of regular bail in case bearing FIR No. 80 dated 06.05.2024, registered under Sections 420 and 406 of IPC at Police Station Sadar Fazilka, District Fazilka. The first petition, bearing number **CRM-M-51562-2024**, was dismissed by this Court, vide order dated 13.11.2024. The operative part of the order dated 13.11.2024 reads as under:

“6. The petitioner is alleged to have duped the complainant of a sum of Rs.70,00,000/- by conniving with the co-accused on the pretext of securing a government job for his son. He is a habitual offender as he is stated to be involved in forty six cases. He had also been declared an absconder. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the nature of allegations as levelled against the petitioner, his

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antecedents and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petition does not deserve to be allowed at this stage. Hence, the same is dismissed.”

2. In the instant petition, the only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that extended period of incarceration and grant of regular bail to him in a similar case has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab that the previous petition 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. He is a habitual offender and is involved in as many as 47 other criminal cases, most of which are of similar nature. If he is released on bail, he may abscond or indulge in similar offences. The petitioner has challenged the order dated 13.11.2024, whereby his first petition seeking bail was dismissed by this Court, before the Hon’ble Supreme Court by way of filing a Special Leave to Appeal (Crl.) No. 17471 of 2024 but the same has been dismissed as withdrawn on 01.04.2025. Therefore, it is urged that the petition does not deserve to be allowed.

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

5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 13.11.2024. The instant one has been filed within a period of about six 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.

6. 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.

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Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. It is also relevant to mention here that the appeal filed by the petitioner before the Hon’ble Supreme Court challenging the aforesaid order dated 13.11.2024, passed by this Court, has been dismissed as withdrawn on 01.04.2025. There are serious and specific allegations against the petitioner. He is involved in multiple criminal cases of similar nature. 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, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. 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.

02.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No