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

280

CRM-M-60263-2024 (O&M)

Date of decision: 07.02.2025

Harinderjeet Singh @ Harinder**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashu Kaushik, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Mr. G. S. Gill, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, which has been filed by the petitioner seeking grant of regular bail in case bearing FIR No.63 dated 06.04.2024 registered under Sections 406, 420, 467, 468, 471 and 120-B of IPC and Section 24 of Immigration Act at Police Station Khanna City-2, District Khanna. The first petition, bearing number **CRM-M-32649-2024**, was dismissed by this Court, vide order dated 10.09.2024. The operative part of the order dated 10.09.2024 reads as under :

“5. The petitioner is alleged to have hatched a criminal conspiracy with the co-accused and he being partner of Cost Way Immigration Visa Service to the extent of 25% share is alleged to have duped the complainant, in conspiracy with the co-accused of a sum of Rs.4,52,000/-. He has criminal

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antecedents. The co-accused Gurpreet Singh Benipal and Jaswinder Kaur are absconding and are yet to be arrested. The challan against the petitioner and co-accused Teja Singh and Jatinder Singh alias Fauji has since been presented. Trial has commenced against them. There is nothing to show that there would be any undue delay in conclusion of the trial. The allegations against the petitioner are quite serious in nature. Keeping in view the severity of the allegations, his criminal antecedents, the fact that the complainant is yet to be examined and the apprehension that the petitioner might abscond cannot be stated to be unfounded. I am of the considered opinion that the petitioner does not deserve to be extended benefit of bail at this stage. Hence, the petition is dismissed.”

2. Learned counsel for the petitioner has argued the present petition has been filed on the ground that there are total 80 prosecution witnesses, out of which, so far, prosecution witnesses Simrannpreet Kaur and Premdip Singh have been examined-in-chief before the learned trial Court and a perusal of their sworn depositions, which have been placed on record as Annexures P-6 and P-7, respectively, would show that they have not stated anything against the present petitioner. Learned counsel for the petitioner has further submitted that examination-in-chief of the complainant Reena has also been concluded before the learned trial Court and the cross examination of the aforesaid three witnesses has been deferred as an application under Section 311 of Cr.P.C. has been filed by the prosecution. The petitioner has been falsely implicated in this case. He is in custody since 24.04.2024. The conclusion of trial is likely to

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take a long time. The aforesaid events amount to substantial change in the circumstances, which make out a case for grant of regular bail to the petitioner. Hence, it is urged that the petition deserves to be allowed.

4. *Per contra*, it is argued by learned Assistant Advocate General, Punjab, assisted by learned counsel for the complainant, has argued 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. Recording of the statements by way of examination-in-chief of two witnesses and mere extended period of incarceration is not sufficient to grant benefit of bail to the petitioner. Allegations against the petitioner are quite serious in nature. More so, a perusal of the sworn deposition of the complainant Reena, copy of which has been placed on record as Annexure P-8 by the petitioner himself, would show that she has categorically stated that after selling her house, she had handed over an amount of Rs. 4 Lakhs to the present petitioner as well as co-accused Jaswinder Kaur @ Raman Bajwa @ Ramandeep Kaur. Therefore, it is urged that the petition does not deserve to be allowed.

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

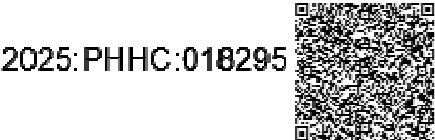
6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 10.09.2024. The instant one has been filed within a period of four months of the said order. It is well settled proposition of law that when successive bail applications come before

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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. It has also to be kept in mind that the complainant has supported the prosecution case while appearing before the learned trial Court and getting her statement recorded by way of examination-in-chief. 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. More so, a report dated 03.02.2025 has been received from the learned trial Court along with a copy of order of the same showing that the application filed under Section 311 of Cr.P.C. has been disposed of. Therefore, 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.

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.

07.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>