



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

226

CRM-M-63948-2024

Date of decision: 5th March, 2025

Deepak

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karan Kaushal, Advocate for the petitioner.
Mr. Rajiv Sidhu, Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail as filed by the petitioner in case arising out of FIR No. 136 dated 28.04.2023 registered under Sections 392, 397 of IPC (Sections 201, 202, 212 and 452 of IPC and Section 28 of Arms Act added later on). His previous petition bearing CRM-M-16653-2024(O&M) had been dismissed by this Court vide order dated 01.07.2024.

2. The petitioner has been booked under and is facing trial for commission of the aforementioned offences on the allegations of having robbed the complainant of gold weighing about 01 kg. 26 grams and cash amount of Rs. 70,000/- by pointing some firearm looking like weapon and is also alleged to have caused disappearance of evidence of the offence. While disposing of the previous petition on 01.07.2024, the following observations had been made by this Court:-

“The petitioner is alleged to have criminally trespassed



into the shop of the complainant on 28.04.2023 and is alleged to have robbed the complainant of gold weighing about 01 kg. 26 grams as well as of a sum of Rs.70,000/-. He is also alleged to have pointed a weapon towards the complainant. Though, his weapon was later on found to be an air gun only. He is also alleged to have caused disappearance of evidence of the offence. The trial might be expedited and the record does not show that there would be any undue delay in conclusion of the same. The complainant and PW Saurabh stand examined before the trial Court and they have duly identified the petitioner as the person who looted the gold and cash from the showroom. Keeping in view the gravity of allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.”

3. Learned counsel for the petitioner has submitted that he seeks concession of regular bail in favour of the petitioner only on the ground of prolonged period of incarceration. The petitioner is in custody since 13.05.2023. He does not have any criminal antecedents. Trial is likely to take time as only seven out of eighteen witnesses, have been examined so far. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by respondent-State. Learned Deputy Advocate General, Haryana has argued that the previous petition as filed by the petitioner had been dismissed on merits after making a detailed discussion. The petitioner has failed to make out any substantive change in the circumstances, which may entitled him to seek concession of bail. The looted gold articles and cash had been recovered at his instance. His identity



has been established during the trial by way of sworn deposition of the complainant. There are chances of his absconding, if extended benefit of bail. Simple extended period of custody does not make him entitle to seek concession of bail. Accordingly, 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 petitioner is in custody since 13.05.2023. Trial is going on a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of the same. The previous petition as filed by the petitioner has been dismissed after making a detailed discussion qua grounds as taken therein. The present petition has been filed by the petitioner seeking bail mainly on the ground of his prolonged custody. The well settled proposition of law is that mere prolonged period of custody or the fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when gravity of the offence alleged is serious. Reference in this context can be had to the observations made in ***Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242*** and ***State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)***. There is no substantive or specious change in the circumstances from the date of dismissal of the previous petition as filed by the petitioner. It is also well settled that there must be drastic change during the period between two applications for the successive application to be allowed. As such, I see no ground to allow the



petition. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

5th March, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No