

2026:PHHC:009586



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-71085-2025 (O&M)

Rishabh Tripathi ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	20.01.2026
2.	The date when the judgment is pronounced	23.01.2026
3.	The date when the judgment is uploaded on the website	23.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mayank Yadav, Advocate,
for the petitioner.

Ms. Himani Arora, DAG, Haryana.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail to him in case arising out of FIR No.20 dated 27.09.2024, registered under Section 318(4) of Bharatiya Nyaya Sanhita, 2023 (*for short 'BNS'*) [Sections 61(b) and 238 of BNS added later on] at Cyber Police Station, Narnaul, District Mahendergarh on the ground that co-accused Aman Dela has been granted concession of regular bail by this Court.

2. The petitioner has been booked for commission of

aforementioned offences on the allegations that he in connivance with co-accused had duped the complainant of an amount of Rs. 1,18,47,353/- by committing cyber fraud. The role which is alleged to have been played by the petitioner is of inducing the co-accused Kishore Tomar to open a bank account and provide the same to him (petitioner) for the purpose of facilitating transfer of part of the money received from the bank account of the complainant.

3. It is argued by learned counsel for the petitioner that his previous petition had been dismissed by this Court on 03.04.2025. A period of more than nine months has passed since then. He is in custody since 27.12.2024. Co-accused Aman Dela has been granted concession of regular bail by this Court. His case is on parity and, therefore, he too deserves to be given the same benefit. His continued detention would not serve any useful purpose, especially in view of the fact that conclusion of trial is likely to take considerable time. It is, therefore, argued that he deserves to be extended benefit of bail and the petition deserves to be allowed.

4. *Per contra*, it is argued by learned State counsel 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. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. His case is on different footing than that of co-accused Aman Dela. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions.

6. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 03.04.2025. 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.

7. After hearing the contentions as raised by learned counsel for the parties, this Court is 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 is not a ground to extend any such benefit. There are serious and specific allegations against the petitioner. A perusal of the record reveals that the case of the petitioner is not at par with co-accused Aman Dela. Hence, he cannot seek parity with him. Keeping in view the nature and gravity of the

offence, in the considered opinion of this Court, 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, this Court is 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.

23.01.2026
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No