

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

Criminal Misc. No. M- 39550 of 2015

Date of Decision: 5.12.2015

Krishan Lal Sahni

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. A.S. Gulati, Advocate for
Mr. A.S. Sullar, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant second petition under Section 438 Cr.P.C., seeks pre-arrest bail in FIR No. 180 dated 25.6.2014 registered unde sections 420/406/120-B IPC, at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.

When the petitioner approached this Court at an earlier point of time seeking anticipatory bail in this very FIR, notice of motion was issued and interim protection was granted. However, when the petitioner was not joining the investigation despite granting more than one opportunities by this Court, petitioner was not found entitled for the concession of anticipatory bail and the following order was passed on 23.7.2015:-

“Petitioner seeks pre-arrest bail in FIR No.180 dated 25.6.2014 registered under Sections 420, 406 and 120-B of the Indian Penal Code at Police Station, Mandi Gobindgarh, District Fatehgarh Sahib.

Notice of motion was issued and interim protection was granted to the petitioner. After granting interim protection, neither the learned counsel for the petitioner was ever inclined to argue the case nor the petitioner has been joining the investigation, despite repeated orders having been passed by this Court. On 30.4.2015 when learned counsel for the State specifically brought to the notice of this Court that petitioner was not cooperating with the investigating agency, he was directed to join the investigation on 6.5.2015 and cooperate with the investigating agency. Thereafter the case was again adjourned for today on the request made on 14.5.2015. However, learned counsel for the State, on instructions from ASI Sohan Singh, Police Station, Mandi Gobindgarh, submits that in compliance of the order dated 30.4.2015, petitioner has not joined the investigation.

In view of the above, this Court is of the considered opinion that petitioner has been misusing the concession of interim anticipatory bail granted by this Court. He is no more entitled for any indulgence at the hands of this Court.

At this stage, learned counsel for the petitioner

seeks permission of the Court to withdraw the present petition.

Permission is granted.

Dismissed as withdrawn.”

While filing instant second petition seeking same relief, petitioner kept conveniently silent about the abovesaid order passed by this Court, except pointing out number of that petition in para 13 of the present petition which reads as under:-

“That no such or similar petition is pending before Ld. Trial court or has been earlier filed by the petitioner either in this Hon'ble Court or in Supreme Court of India except CRM-M-26215 of 2014, as per instructions to the counsel.”

When confronted with the abovesaid fact situation about the serious misconduct on the part of the petitioner, learned counsel for the petitioner still tried to justify it contending that petitioner never intended to conceal anything from this Court. It is difficult to accept this contention. It was least expected from the petitioner to reproduce the abovesaid order dated 23.7.2015 passed by this Court or he could have attached a copy thereof. However, he did not do so for the reasons best known to him, which in any case, were not bonafide reasons. In fact, the petitioner has tried to over-reach this Court by withholding the material information, proceeding on malafide intention to secure favourable orders.

In view of the above and restraining itself from making any

further observations against the petitioner, instant petition has been found to be frivolous one and it must fail. Although such a petition must have been dismissed with costs, yet this Court is again restraining itself from imposing costs on the petitioner.

Resultantly, no ground for entertaining second petition for anticipatory bail has been made out.

Dismissed.

(RAMESHWAR SINGH MALIK)
JUDGE

5.12.2015
AK Sharma