

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35334-2018

Date of Decision: 06.12.2018

Jagdish @ Jaggi

.. Petitioner

Vs.

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Pratibha Yadav, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

...

Inderjit Singh, J. (Oral)

Petitioner Jagdish @ Jaggi has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.164 dated 05.07.2018, registered at Police Station Kasola, District Rewari, under Sections 379B/34 IPC.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

It has been brought to the notice of this Court that the trial Court has granted the bail to the present petitioner during the pendency of the present petition.

A report was called from the trial Court, wherein it has been reported that the second bail application of accused Jagdish @ Jaggi was instituted on 28.09.2018 before the court of Id. Addl. District and Sessions Judge, Rewari as the trial of the said accused had already been assigned to

the same Court. The second bail application of accused Jagdish @ Jaggi

has been allowed on 01.10.2018 by passing a detailed order. There is nothing mentioned in the second bail application or in the reply to it by the State as to the pendency of petition No. CRM-M-35334-2018 before this Court. The ld. Addl. District and Sessions Judge, Rewari has also sent the copies of the second bail application and reply to it along with vakalatnama and order of the bail granted by the Court.

Perusal of the record shows that the present bail petition of the present petitioner has been filed before this Court on 14.08.2018 and in the meantime, when the present bail petition was pending, the application was filed before the learned lower court without bringing it to the notice that the bail application is already pending before the High Court which means the present petitioner has played fraud upon the Court of Session and has concealed material facts in the case. Notice was given to learned counsel for the petitioner, but today he pleaded that he has no instructions from the petitioner.

In view of the above discussion, the order passed by the learned trial Court dated 01.10.2018 granting the bail to the present petitioner is set aside/cancelled.

The trial Court is directed to take present petitioner Jagdish @ Jaggi into the custody in this FIR.

Keeping in view the above facts and conduct of petitioner, I do not find it a fit case where the petitioner is entitled to the benefit of regular bail. Therefore, finding no merit in the present petition also, the same is dismissed.

Registry is directed to inform the trial Court immediately.

06.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned	No
Whether reportable	No