

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

Crl. Misc. No. M-37022 of 2018

Date of decision : 08.10.2018

Chuhd Singh & Anr.

... Petitioners

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Abhimanyu Singh, Advocate
for petitioner.**

Ms. Priyanka Sadar, AAG Haryana.

ANITA CHAUDHRY, J.

The petitioner is seeking anticipatory bail in FIR No. 231 dated 14.07.2016, registered under Sections 306 read with Section 34 IPC at Police Station Pinjore, District Panchkula.

The case was registered on the statement made by Laxman Singh wherein he had informed about the suicide committed by his daughter. He named Yad Ram @ Bachhi, Mahipal Singh, his father Chhud Singh and others responsible for the suicide.

The investigating agency filed the challan only against Yad Ram while the other persons were kept in column No.2 of the challan.

At the trial, the complainant appeared as PW1 and thereafter the prosecution filed an application under Section 319 Cr.P.C., which was allowed and the petitioners and two others were summoned.

Learned counsel states that the petitioners were found innocent by the investigating agency and now they have been summoned under

Section 319 Cr.P.C. and nothing has to be recovered from them.

Learned State counsel has opposed the prayer. According to her, there was a suicide note left by the deceased and the petitioners were specifically named therein.

Earlier petition bearing Crl. Misc. No.M-35676-M of 2018 was filed before this Court on 17.08.2018 and it was specifically pleaded at page No.14 of the petition that no such petition is pending before the Sessions Court or any other competent Court.

Vide order dated 06.09.2018, the petitioners were asked to produce copy of bail application filed before the Court below. The same had been filed on 17.08.2018, meaning thereby that the petitioners had simultaneously filed a petition for anticipatory bail before the trial Court as well as this Court. The factum of filing the anticipatory bail before the Sessions Court and pendency thereof was concealed.

Learned counsel had conceded on the last date of hearing that advise was given that the Court below should be approached first.

The first petition was withdrawn on 21.08.2018, the factum of dismissal of petition for anticipatory bail by the trial Court on 20.08.2018 was not brought to the notice of this Court. The order dated 20.08.2018 was annexed only when the instant petition was filed.

The petitioners have concealed the material facts from the Courts. It was knowingly done. They had full knowledge of the true facts. The petitioners engaged lawyers for filing application in the trial Court and this Court and the applications were filed on the same day. When Crl. Misc. No.M-35676-M of 2018 came up for hearing here and the petitioner was asked to place on record the order passed by the Court below, then the

petition was withdrawn. The order dated 20.08.2018 passed by this Court on the earlier application reads thus:-

“ The petitioner has straightway approached this Court seeking anticipatory bail.

Learned counsel states that he may be permitted to withdraw the present petition with liberty to approach the Court below.

Dismissed as withdrawn with the liberty aforesaid.”

But strangely the application filed below was dismissed on 20.08.2018. The petition was withdrawn to wriggle out of the situation.

This Court is not inclined to consider the merits of the case. The petition is dismissed on account of concealment of facts.

The petition is dismissed.

October 08, 2018
Jiten

(ANITA CHAUDHRY)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No