

ASHISH KUMAR @ ASHU VS. STATE OF PUNJAB

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Present: Ms. Prabhjeet Kaur, Advocate  
for Mr. K.S. Sandhu, Advocate  
for the petitioner.

Mr. D. S. Sukarchakia, DAG, Punjab.

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Heard.

Learned counsel for the petitioner submits that petition (CRM-M-17974-2017) filed by the petitioner seeking regular bail was withdrawn under the instructions of client. However, she was not aware that the petitioner had obtained bail from the Court of Additional Sessions Judge, Ludhiana by concealment of facts.

In this case after withdrawal of bail application, report was called from District and Sessions Judge, Ludhiana, wherein following facts have come to notice:-

*“Further perusal of bail application no. 163 dated 13.07.2017, decided on 13.07.2017 shows that aforesaid bail application was filed by Ashish Kumar alias Ashu on 14.06.2017 which was put up on 15.06.2017 before the Vacation Judge. It is further submitted that at the time of filing of the bail application, applicant did not disclose that earlier his bail application was declined vide order dated 02.05.2017 or that his bail application is pending before the Hon'ble High Court and rather on the first page of the bail application, it is written that this is first bail application.”*

From above facts, it is apparent that petitioner has obtained the bail by way of misrepresentation and concealment of fact of dismissal of his earlier bail application vide order dated 02.05.2017 by Court of Additional Sessions Judge, Ludhiana and pendency of his bail application before this Court.

Keeping in view above facts and exercising powers vested in this Court under Section 482 Cr.P.C., I cancel the bail allowed to petitioner vide order dated 27.06.2017 by Additional Sessions Judge, Ludhiana. Petition (CRM-M-17974-2017) is ordered to be restored at its original number and will be decided on merits.

Petitioner is directed to surrender before the trial Court within a period of seven days and on his appearance he will be taken into custody. In the event of his non-appearance before trial Court within a week from today his non-bailable warrants shall be issued by trial Court.

List on 26.03.2018.

**March 06, 2018**  
jk

**( SURINDER GUPTA )**  
**JUDGE**