

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

CRM-M No. 639 of 2019

Date of decision : 14.03.2019

Ajay Garg

.....Petitioner

Versus

Union Territory, Chandigarh

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. R. S. Manhas, Advocate for the petitioner.

Mr. Sukant Gupta, Addl. P.P. for U.T., Chandigarh.

Ms. Aarti Gupta, Advocate for the complainant.

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DAYA CHAUDHARY, J.

This is the third petition filed by the petitioner under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to him in case FIR No.320 dated 10.10.2011 under Sections 420 & 120-B of the Indian Penal Code, 1860 registered at Police Station – Mani Majra, U.T., Chandigarh.

Learned counsel for U.T., Chandigarh has raised a preliminary objection that apart from the two earlier petitions moved by the petitioner before this Court, which have been dismissed, the petitioner also filed a petition before Hon'ble the Apex Court, which was also dismissed. However, the petitioner has not mentioned this fact in the present petition as is clear from para No.27 of the present petition. Learned counsel for U.T., Chandigarh has also supplied photocopy of the order passed by Hon'ble the

Apex Court, whereby SLP filed by the petitioner has been dismissed as withdrawn on 17.04.2014.

Learned counsel for the petitioner submits that there was no intention of concealment of fact and it was not deliberate as the petition filed before Hon'ble the Apex Court was not dismissed on merits, rather it was dismissed as withdrawn.

In para No.27 of the petition, it has clearly been mentioned that no such or similar petition for grant of anticipatory bail has earlier been filed by the petitioner either before this Court or before Hon'ble the Apex Court nor pending, except CRM-M No.37253 of 2013 which was dismissed vide order dated 07.11.2013 and CRM-M No.17 of 2014 which was dismissed as not pressed vide order dated 01.1.2014. Even the factum of dismissal of petition by Hon'ble the Apex Court is reflected in the order passed by the lower Court. Meaning thereby in spite of having knowledge and copy of lower Court order on record, still this fact has not been mentioned in the petition, which amounts to concealment of fact. The argument raised by learned counsel for the petitioner that the concealment is not intentional is not acceptable.

The present petition is dismissed on the ground of concealment of fact.

14.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No