

SATBIR SINGH @ SONU *Versus* STATE OF HARYANA

Present:- Mr. Ranjan Lakhanpal, Advocate for the petitioner.
Mr. Arun Beniwal, DAG, Haryana for the respondent.

This petition has been listed on the basis of Office Note in terms of order dated 06.07.2018, passed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.4431 of 2018, which reads as under:-

“Application for exemption from filing Certified Copy of the impugned Judgment is allowed.

By Order dated 7th July, 2017 CRM-M-No.23672 of 2017 was ordered to be heard along with CRM-M-18545 of 2017. Orders have been passed in CRM-M No.18545 of 2017 on 5-02-2018 by the High Court. No Order appears to have been passed in CRM-M-No.23672 of 2017 what is impugned in this Special Leave Petition is the Order passed in CRM-M-No.18545 of 2017. The Special Leave Petition, therefore, is not being entertained. The High Court is requested to pass Order(s) separately in CRM-M-No.23672 of 2017 as expeditiously as possible.

The Special Leave Petition is disposed of in the above terms.

This Court has perused the record of the present case and which shows that petitioner filed CRM-M No.23672 of 2017 seeking pre-arrest bail and on 07.07.2017, the same was ordered to be heard by the co-ordinate Bench with connected matter of co-accused i.e. CRM-M No.18545 of 2017. Thereafter, both the petitions were dismissed on 05.02.2018 while passing separate orders. In petitioner's case, the order reads as under:-

“Petitioner Satbir Singh @ Sonu has filed the present petition for grant of anticipatory bail in case FIR No.143 dated 24.11.2016 under Sections 201 and 302 IPC Police Station Siwan, District Kaithal.

It is contended by learned counsel for the petitioner that a blind murder has been committed in the present case and the petitioner has been made an accused alleging that he assisted the main accused Baljeet by supplying him the fire arm to commit the crime. It is further contended that in order to suppress the voice of the petitioner raised against the police officials for falsely involving him in a criminal case and keeping him in illegal custody, he has been roped in as an accused in the present case.

Learned State counsel on the other hand opposed the prayer of the petitioner and submitted that to extract of truth, the investigation of the petitioner is necessary.

Heard learned counsel for the petitioner, learned State counsel and perused the case file .

In the present case, allegedly a person namely Sandeep @ Middi has been killed by accused Baljeet by shooting him to death by a fire arm and thereafter setting ablaze the dead body alongwith the car and as per the prosecution, said fire arm was supplied by the petitioner.

Keeping in view the nature of offence committed, this Court is of the view that the matter needs to be investigated to extract other material evidence for which investigation of the petitioner is just and necessary.

I find no ground to grant anticipatory bail. The petition stands dismissed.”

Despite the above factual position, the petitioner did not disclose the order before Hon'ble Supreme Court, whereby his pre-arrest bail was rejected by this Court, rather gave an impression that no order had been passed in his bail matter and consequently, this Court was asked by the Honb'le Supreme Court to pass separate order in CRM-M No.23672 of 2017.

Also to be noteworthy that petitioner again filed Special Leave to Appeal (Crl.) No.10160/2018 against the order dated 05.02.2018, but the same was not entertained and the Hon'ble Supreme Court passed the following order on 16.11.2018:-

“ Heard the learned counsel for the petitioner and perused the relevant material.

Delay condoned.

Permission to file additional documents is granted.

Exemption from filing certified copy of the impugned order is granted.

The Special Leave Petition is not entertained with liberty to the petitioner to move the appropriate Court for regular bail, if so advised.

The Special Leave Petition is disposed of in the above terms.”

In view of above, this Court was inclined to issue Contempt Notice to the petitioner for scandalising the Court, but learned Counsel for the petitioner made submissions that he has already suffered gun shot injuries and even confined in jail.

Since the petitioner is already suffering incarceration in an injured condition, therefore, while taking a lenient view, this Court does not wish to proceed further in the matter.

However, petitioner is warned to be careful in future and not to repeat such design before any Court of law.

Office Note stands disposed off accordingly.

December 16, 2019

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**