

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

231

**CRM-M No. 47546 of 2018 (O & M)
Decided on: 28.2.2019**

Harnek Singh alias Mintu

.....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Gautum Dutt, Advocate, for
Mr. Vishal Deep Goyal, Advocate, for the petitioner

Ms. Bhawna Gupta, DAG, Punjab

Mr. P.S. Ahluwalia, Advocate, for the complainant

Mr. Sanjeev Duggal, Advocate, for victim-Shukla Duggal

Daya Chaudhary, J.(Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.8 dated 6.2.2018, under Sections 36 (1) & (3) of Punjab Apartment and Property Regulation Act, 1995 Sections 420, 465, 467, 468, 471, 201 and 120B IPC were added lateron registered at Police Station Satnampura, Phagwara, District Kapurthala.

It has been brought to the notice of this Court that application bearing CRM-M No. 9764 of 2018 for placing on record translated version of victim's statement, came up for hearing on 10.5.2018 and was adjourned to 28.5.2018. It was dismissed as withdrawn with liberty to file fresh one with better particulars. Thereafter, the present petition i.e. CRM-M No. 47546 of

2018 was filed before this Court. During pendency of this petition the petitioner approached Sessions Court by concealing the fact of pendency of the present petition. The fact of pendency of the present petition was brought to the notice of the lower Court and proceedings under Section 340 (1) Cr.P.C. were initiated which are still pending.

The petition is liable to be dismissed not only on the ground of concealment of facts as well as misrepresentation of facts. The petition has been filed by twisting the facts and during pendency of this petition, a petition was filed before the lower Court which amounts to misuse of process of law.

In view of the above, the present petition is dismissed on the ground of concealment and misrepresentation of facts, subject to payment of costs of Rs.20,000/-to be recovered from the petitioner.

Registry is directed to send the copy of this order to the lower Court i.e. Sessions Judge, Kapurthala.

(DAYA CHAUDHARY)
JUDGE

28.2.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No