

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

CRM-M-14167-2020

Date of decision:-22.7.2020

Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Prashant Vashisth, Advocate
for the petitioner.

Mr.APS Gill, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Rahul – an accused in FIR No.88 dated 7.7.2019, for the offences under Sections 379-B(2), 341, 323, 148, 149, 411 IPC, registered at Police Station Basti Jodhewal, Ludhiana City.

Briefly stated, facts of the case as per prosecution story are, that criminal machinery in this case was set into motion by complainant Ram Parvesh, who in his statement made to the police stated that on 6.7.2019 at 8:15 p.m., he along with his co-worker Inam son of Mohammad, resident of Saharanpur(U.P.) went to the market to purchase some necessary items; when they had reached at a lonely place in Grewal

Farm, then an Aactiva scooty of light grey colour bearing No.PB10GA-4408 having three boys in the age group of 20 to 25 years riding thereon came and they encircled them; one of the boys was armed with a gandasi and others with knives and by showing such weapons, they threatened the complainant and Inam to hand over the valuables to them; when the complainant and Inam offered resistance, then the assailant having gandasi attacked the complainant giving two gandasi blows on his forehead on right side, whereas third gandasi blow hit the complainant on finger of right hand; the other assailants gave knife blow to Inam hitting him on right arm and back; they snatched a purse from the complainant containing Rs.11,000/- in cash and a mobile Y-71; they also snatched purse from Inam having Rs.5,000/- therein; the complainant and Inam raised alarm, which attracted persons from jhuggies nearby; the assailants tried to run away but their scooty did not get started. In the statement made by the complainant to the police, he further stated that the assailants were calling each other by names Rahul, Akshay and Lovleen; two of the assailants ran away on foot towards the fields along with the snatched articles, whereas the third boy was caught along with the scooty; he disclosed his name as Rahul son of Ashok Kumar, resident of Guddu Pradhan Da Ghar, Street No.2, Basant Vihar Extension, Noorwala Road and the name of his accomplice as Lovleen @ Lambu son of Vijay Kumar, resident of Street No.4, Basant Vihar Extension, Noorwala Road; in the meanwhile, other two boys who had run away from the spot brought 10-12 persons along with them; they were armed with saria, baseball bat and dah; they attacked the public and several people got

injured; the boys were being led by Ravi Gujjar; they took Rahul along with scooty. The complainant sought taking of action against Rahul, Akshay and Lovleen. After recording of formal FIR, accused Rahul was arrested in this case. He had filed a petition for regular bail before the Court of Sessions, which was dismissed on 24.9.2019. He had moved a second petition for bail there, which was also dismissed by learned Additional Sessions Judge, Ludhiana on 10.2.2020.

The petitioner had approached this Court earlier by filing a petition bearing CRM-M-34541 of 2019 for grant of regular bail, which was however withdrawn by counsel for the petitioner by moving application therein. An order in that regard was passed on 29.1.2020.

The petitioner has now approached this Court again filing the present petition for grant of regular bail without disclosing that a petition had been filed earlier, which had been withdrawn. In the head-note, the present petition is mentioned to be first petition under Section 439 Cr.P.C. for grant of regular bail and in para No.9, it is clearly mentioned that no such or similar petition has earlier been filed or pending in the concerned Court of Sessions, this Court or in Hon'ble Supreme Court. The Registry on its part had reported that a misrepresentation in the petition had been made and concealment of filing of first petition had been done.

Learned counsel for the petitioner was asked to explain the position but he could not give any convincing or plausible explanation except stating that it was a typographical mistake and he was not aware of filing of the first petition and its withdrawal.

This explanation does not seem to be plausible and

convincing. The counsel should have got complete and proper instructions from his client. The concealment of facts from this Court and making clear misrepresentation disentitles the petitioner for grant of discretionary equitable relief of regular bail. This is nothing but clearly an attempt to play fraud with the Court. For such like reason, the petition is doomed for failure.

Simultaneously, on merits also no case for grant of regular bail to the petitioner is made out for the reason that he is specifically named in the FIR and the allegations against him are very grave and serious. Though challan is said to have been filed against him and his co-accused, their guilt shall be determined during the trial. If granted bail, there is reasonable apprehension of the petitioner trying to tamper with the prosecution evidence and even to abscond to delay the trial.

Therefore, finding no merit in the petition, the same stands dismissed.

Keeping in view the conduct of the petitioner in making misrepresentation and concealment of facts, the Registrar (Judicial) of this Court is directed to hold an inquiry into the matter and then to submit report.

22.7.2020
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No