

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

**CRM-M-1559-2021(O&M)
Date of decision : 10.02.2021**

Ashok Kumar

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. P.S. Rai, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed with the heading that this is the first petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.172 dated 02.09.2020 for offences under Sections 420/379 of the Indian Penal Code, 1860 registered at Police Station City Gurdaspur, District Gurdaspur.

There is a specific averment in para 12 of the petition that “*no such and similar criminal Misc. has earlier been filed by the petitioner neither in this Hon’ble Court nor in the Supreme Court of India nor any application for grant of anticipatory bail is pending before the Id. Court of Sessions at Gurdaspur*”.

A note has been put up by the Registry wherein it has been pointed out that the petitioner herein had filed CRM-M No.36596 of 2020 for the same relief which was dismissed, by a detailed speaking order on

petitioner stated that he was not informed about the previous anticipatory bail petition filed by the petitioner.

Learned counsel for the State, on instructions from ASI Gurdeep Singh, has stated that the petitioner could not be arrested despite multiple raids and has been evading arrest.

A perusal of the present petition clearly reveals that there has been total concealment of material and important facts by the petitioner in the present case. In the heading of the petition and in the body of the petition there is no disclosure of the earlier petition (CRM-M No.36596 of 2020) having been filed and the same having been dismissed on 26.11.2020. The FIR is dated 02.09.2020 and since then the petitioner, as per the instructions received by the State counsel, has been evading arrest.

Keeping in view the totality of the circumstances i.e. total concealment of filing of the earlier petition and its dismissal and the fact that the petitioner has been evading arrest since 02.09.2020, the present petition is dismissed.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10.02.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO