

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

210

CRM-M-4369-2020

Date of Decision : August 06, 2021

SAGAR GOYAL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.132 dated 15.9.2019 under Sections 379-B/411 IPC, Police Station Basti Jodhewal, Ludhiana-City.

The present regular bail application was filed in this Court on 28.01.2020. When the matter came up for hearing on 05.02.2020 the learned counsel for the petitioner made a request for an adjournment and therefore, the matter was adjourned for 24.03.2020. The matter was not taken up on 24.03.2020 but was taken up on 30.07.2021 and learned counsel for the petitioner was not present and the learned State counsel had informed this Court that the petitioner has already been released on bail by the learned trial Court on 20.02.2020. The Registry was directed

to inform the learned counsel for the petitioner with regard to the date fixed so that he may cause appearance and explain with regard to the above and the matter was adjourned for today.

Today, Mr. Thind, learned Deputy Advocate General, Punjab has sent a copy of the bail application filed by petitioner before the learned trial Court as well as copy of the order of bail passed by the learned trial Court through email since the matter is being taken up through video conferencing. A printout of these two documents is taken on record as mark 'X' and 'Y'. A perusal of this bail application filed by the petitioner would show that the same was filed on 15.02.2020 and the learned trial Court granted bail to the petitioner on 20.02.2020 whereas on these two dates the present bail application was pending before this Court and rather on 05.02.2020 learned proxy counsel for the petitioner had sought an adjournment. A perusal of the order granting bail by the learned trial Court does not give any indication as to whether the prosecution or the Court was aware of the pendency of the present petition before this Court. Be that as it may, the petitioner had filed bail application before learned trial Court without disclosing the pendency of the bail application before this Court. The application was filed by the petitioner before the learned trial Court also does not disclose anything with regard to the pendency of the present bail application before this Court.

Learned counsel for the petitioner has submitted that he was not aware regarding the filing of the bail application before the learned trial Court during the pendency of the present petition and that the

petitioner has invoked a parallel jurisdiction without disclosing the same to the trial Court. Today, he has prayed for withdrawal of the present petition.

The petitioner has filed another bail application before the Ld. Trial Court during pendency of the present bail application without disclosing the same to the trial Court which is evident from his application and orders passed by trial Court and is thus clearly an abuse of the process of law.

Keeping in view the conduct of the petitioner and the fact that the petitioner has already been released on bail by the learned trial Court, this Court deems it fit and proper to allow the learned counsel for the petitioner to withdraw the present petition, however, subject to payment of costs of Rs.25,000/-.

Dismissed as withdrawn.

The petitioner is directed to deposit the aforesaid costs of Rs.25,000/- before the Punjab State Legal Service Authority, Punjab within a period of two months from today. In case the petitioner does not deposit the same within the aforesaid period then the aforesaid Authority shall be at liberty to recover the same in accordance with law.

The Registry is directed to send a copy of this order to the learned trial Court as well.

(JASGURPREET SINGH PURI)
JUDGE

August 06, 2021
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No