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

**CRM-M No.14735 of 2021(O&M)
Date of Decision: 16.07.2021**

Joginder @ Rinku

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Ram Kumar Saini, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Narender Kaajla, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video
conferencing.

Petitioner seeks grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.388 dated 16.09.2019 registered

under Sections 147, 149, 323, 307, 341, 506 IPC at Police Station Azad Nagar, Hisar.

Perusal of reply filed by way of affidavit of Mr. Joginder Sharma, HPS, Deputy Superintendent of Police, Law & Order, Hisar would show that the petitioner gave brick blow on the head of the husband of the complainant and other co-accused gave kicks and slaps to her husband. Petitioner attacked the husband of the complainant on his head with a weapon, due to which her husband became unconscious. Injury No.1 found on the person of the injured was referred for surgical opinion and injury No.2 was advised eye opinion. As per opinion of the Doctors, injury No.1 was found to be grievous as well as dangerous to life and both the injuries were declared as grievous in nature. Offence under Section 307 IPC was added. First bail application filed before the Additional Sessions Judge, Hisar was withdrawn on 18.11.2019. Thereafter, second bail application was filed before the same Court and the same was dismissed on merits vide order dated 11.12.2019. Third bail application was filed by labeling the same to be first bail application. Resultantly, that was listed before some other Presiding Officer. Bail was granted to the petitioner vide order dated 24.02.2020 on merits.

Complainant filed an application under Section 439(2)

Cr.P.C for cancellation of bail and also for initiating legal proceedings against Dhano Devi mother of the petitioner for filing wrong affidavit. Now the bail has been cancelled vide order dated 25.02.2021, by observing that the petitioner through his mother has misled the Court by mentioning first bail application on the title of the petition, whereas it was third bail application. Second bail application was dismissed on merits. In the event of mentioning third bail application, the same would have been listed before the same Presiding Officer and result would have been different. By mentioning first bail application, the petitioner succeeded in getting the same listed before some other Presiding Officer and got the order of bail.

Even while filing the present petition in the High Court, the petitioner has pleaded in para No.12 that bail applications were moved in the same Court. This plea is factually wrong as the third bail application was not moved before the same Court, rather the same by way of mentioning first bail application was filed in the Court of some different Presiding Officer.

A person who has not come to the Court with clean hands deserve no equity in law and he can be thrown out at any stage of litigation. There is no legal infirmity in the order, cancelling bail of the petitioner by the Court of Sessions.

At this stage, learned counsel for the petitioner prays
for permission to withdraw the present petition.

Dismissed as withdrawn.

16.07.2021
Prince

(RAJ MOHAN SINGH)
JUDGE

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