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

CRM-M-42158-2021

Date of decision : 08.10.2021

Ajaib Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Abhishek Singla, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.64 dated 14.09.2021 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Kot Fatta, District Bathinda.

At the outset, it would be relevant to note that the same petitioner had filed CRM-M-41387-2021 through another counsel for the same relief as prayed for in the present case and the said case had come up for hearing on 01.10.2021 before this Court.

On 01.10.2021, when this Court was not inclined to interfere

in the matter and was about to dismiss the same, learned counsel had sought permission of this Court to withdraw the petition and the following order was passed:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.64 dated 14.09.2021 registered under Section 61 of the Punjab Excise Act, 1914, at Police Station Kot Fatta, District Bathinda.

After arguing for sometime, learned counsel for the petitioner seeks permission of this Court to withdraw the present petition.

In view of the above, the present petition is dismissed as withdrawn.”

The same petitioner has filed the present petition through another counsel and in the present petition, the petitioner has not informed either this Court or even the learned counsel that he had already filed an earlier petition for the same relief as prayed for by him in the present case and thus, no reference with respect to the earlier petition or the order dated 01.10.2021 has been made in the present petition.

Learned counsel for the petitioner has submitted that even he was not aware about the abovesaid fact and the petitioner had never informed him about the earlier petition filed through another counsel and the factum of it being dismissed as withdrawn.

This Court believes the learned counsel for the petitioner and thus, does not wish to make any adverse comment against the counsel for the petitioner as he should not be held accountable for the act and

conduct of the petitioner. In fact, learned counsel for the petitioner has very fairly stated that in such a situation, learned counsel would not like to support the petitioner. The said stand of the learned counsel for the petitioner is appreciated by this Court. However, as far as the petitioner is concerned, it is apparent that the petitioner had first engaged a counsel and had filed a petition for anticipatory bail through him and when no relief was granted by this Court on 01.10.2021, the petitioner chose to engage another lawyer for filing a petition for the same relief without even informing the learned counsel about the earlier petition filed or the orders passed in the same. The said act and conduct of the petitioner is condemnable and he deserves to be accordingly penalized.

This Court has considered the present case even on merits and as is apparent from the case of the prosecution, the recovery of 300 liters of *laahan* was made from the outhouse of the petitioner and thus, the present petitioner does not deserve the concession of anticipatory bail even on merits.

The present petition is thus, dismissed with costs of Rs.20,000/- to be deposited by the petitioner with the Punjab State Legal Services Authority.

The petitioner is directed to deposit the said amount within a period of one month from today.

08.10.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**