

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-38875-2020

Date of Decision:08.01.2021

Rajbir

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Ravi Malik, Advocate,
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.247 dated 08.11.2020 under Sections 294, 323, 341, 506, 509 IPC, registered at Police Station Garhi, District Jind.

On 25.11.2020, this Court had passed the following order:-

“The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Learned counsel for the petitioner submits that apart from the fact that only offence under Section 506 IPC is non-bailable, the other offences are bailable. However, some other dispute regarding partition is pending between the parties.

Notice of motion.

At this stage, Ms. Gaganpreet Kaur, AAG, Haryana, has

put in appearance and accepts notice on behalf of the respondent-State.

Adjourned to 08.01.2021.

Meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the order dated 25.11.2020 passed by this Court, petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sham Lal, does not dispute the aforesaid fact and states that the custodial interrogation of the petitioner is no more required in the present FIR. However, he submits that in paragraph 15 of the present petition, the petitioner has not made true declaration that there are as many as 03 other FIRs registered against him.

Heard learned counsel for the parties.

For not disclosing the factum of other FIRs registered against the petitioner, though the present petition deserves to be dismissed for concealment of facts, but noticing the fact that the petitioner has joined the investigation and his custodial interrogation is not insisted upon by the State, the present petition is allowed and the interim bail granted to the petitioner vide order dated 25.11.2020, is hereby made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

For withholding very crucial information from this Court, wherein the petitioner has not mentioned the details of cases registered against him, he is burdened with cost of Rs.25,000/-. He is required to deposit the said amount within a period of one month from today with the Bar Association of this Court.

In case, the petitioner fails to deposit the cost of Rs.25,000/- within the aforesaid period, the present petition shall be deemed to have been dismissed.

January 08, 2021
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No