

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CRM-M-43649 of 2020
Date of decision: 21.12.2021

Jasbir Kumar and another

... Petitioners

Vs.

The State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Pranav Handa, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Krishan Kanha, Advocate for
Mr. Narinder Lucky, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in FIR No.143 dated 19.11.2020 registered under Sections 323, 324, 452, 506, 34 of the Indian Penal Code, 1860, however, Sections 354, 354-B IPC were added later on, at Police Station Satnampura (Phagwara), District Kapurthala (Annexure P-1).

FIR (Annexure P-1) has been registered by a lady on the allegations that Jasbir Kumar, petitioner No.1 armed with *datar/sickle*, Ravi Kumar armed with *datar/sickle*, Lucky armed with a *baton* and Lakha-petitioner No.2, armed with sword, forcibly entered her house and started

threatening and hurling filthy abuses at her and her family members. They were enquiring about her brother, caused injuries to the complainant and damaged household goods and articles. Attempt was also made to outrage the modesty of the complainant.

Counsel for the petitioners submits that the petitioners have been falsely implicated by the local police at the behest of a third person, who wanted to grab the land of the petitioner.

Petition has been opposed by the State counsel upon instructions from ASI Jasbir Singh. He is assisted by Mr. Krishan Kanha, Advocate for Mr. Narinder Lucky, Advocate for the complainant. Reference has been made by counsel for the respondents to the status reports filed by way of affidavit(s) of Deputy Superintendent of Police, Sub-Division Phagwara, District Kapurthala.

Heard counsel for the parties.

A perusal of the status report dated 16/17.11.2021 shows that both the petitioners have a chequered history and are involved in number of criminal cases, mentioned in para 7 of the affidavit, which is reproduced as under:-

“7. That it is respectfully submitted that it is important to mention here that petitioners are habitual offenders. There are total 4 FIR against Lakhvinder Singh @ Lakha i.e. petitioner No.2 the details of which are as follows:-

(a) FIR No.143 dated 19.11.2020 under Sections 323, 324, 427, 452, 506, 148, 149, 354, 354-B, IPC, Police Station

Satnampura Phagwara, District Kapurthala (present FIR).

(b) FIR No.144 dated 21.11.2020 under Sections 380, 427, 451, 506, IPC, Police Station Satnampura Phagwara, District Kapurthala.

(c) FIR No.44 dated 04.05.2020 under Sections 22-61-85 NDPS Act, Police Station Satnampura Phagwara, District Kapurthala.

(d) FIR No.98 dated 24.09.2021 under Sections 302, 307, 323, 324, 341, 506, 148, 149, 120-B, IPC, Police Station Satnampura Phagwara, District Kapurthala.

It is important to mention here that Lakhwinder Singh was ordered to join investigation vide order dated 23.12.2020 but he failed to do so and has joined investigation on 05.05.2021 when he was arrested in FIR No.44 (supra).

That there are 10 FIRs against the petitioner No.1 i.e. Jasbir Kumar which are as follows:-

(a) FIR No.27 dated 13.03.2005, under Sections 307, 323, 324, IPC, Police Station Sadar Phagwara, District Kapurthala.

(b) FIR No.37 dated 23.05.2008, under Sections 452, 341, 323, IPC, Police Station Sadar Phagwara, District Kapurthala.

(c) FIR No.73 dated 12.03.2005, under Sections 332, 352, 341, 186 IPC, Police Station Sadar Phagwara, District Kapurthala.

(d) FIR No.103 dated 16.11.2014, under Sections 323, 324,

427, 148, 149 IPC, Police Station Sadar Phagwara, District Kapurthala.

(e) FIR No.28 dated 18.03.2017, under Sections 354-B, 452, 341, 323, 148, 149, 506 IPC, Police Station Sadar Phagwara, District Kapurthala.

(f) FIR No.143 dated 19.11.2020 under Sections 323, 324, 427, 452, 506, 148, 149, 354, 354-B, IPC, Police Station Satnampura Phagwara, District Kapurthala (present FIR).

(g) FIR No.144 dated 21.11.2020 under Sections 380, 427, 451, 506, IPC, Police Station Satnampura Phagwara, District Kapurthala.

(h) FIR No.6 dated 05.02.2021 under Sections 380, 506, 342, 120-B, IPC, Police Station Satnampura Phagwara, District Kapurthala.

(i) FIR No.58 dated 04.06.2021 under Sections 323, 324, 452, 506, 148, 149 IPC, Sections 326, 201 IPC added later on, Police Station Satnampura Phagwara, District Kapurthala.

(j) FIR No.98 dated 24.09.2021 under Sections 302, 307, 323, 324, 341, 506, 148, 149, 120-B, Police Station Satnampura Phagwara, District Kapurthala.”

No doubt, some of the criminal cases have been registered against the petitioners after registration of the present FIR (Annexure P-1), but it was the duty of the petitioners to have disclosed the cases in which they were involved prior to filing of the present petition. However, the

petitioners have failed to do so, rather a specific declaration has been given in para 13 of the petition to the effect that the petitioners are not involved in any criminal case.

A person, who approaches the Court with tainted hands, suppresses his criminal past, is not entitled to the discretionary relief of anticipatory bail.

Petition is dismissed.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

December 21, 2021
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>