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

**CRM-M-10724-2022
Date of Decision: 25.08.2022**

Gurjit Singh Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. P.S. Punia, Advocate,
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. P.S. Ahluwalia, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.162, dated 05.12.2019 under Sections 302/34 IPC and Sections 25/27 of the Arms Act, registered at Police Station Doraha, Police District Khanna, District Ludhiana.

On 14.03.2022, this Court had directed the petitioner to surrender before the learned trial Court within a period of ten days and on doing so, the petitioner shall be released on interim bail, subject to furnishing personal bond/surety bond to the satisfaction of trial Court/summoning Court/Duty Magistrate.

The contention raised by the learned counsel for the petitioner is that he was earlier exonerated by the police, and thereafter, he has been

summoned under Section 319 Cr.P.C. after a long period of time and the other similarly situated co-accused have been granted anticipatory bail by this Court.

However, on 23.05.2022, the learned counsel for the complainant apprised this Court that the petitioner has come to this Court with unclean hands and has deliberately concealed the material facts from this Court while not disclosing that earlier in another case, the petitioner was convicted under Section 304 Part II of the IPC and apart from the same, the complainant is also receiving anonymous threats from the petitioner and the complainant has also filed a writ petition before this Court by which security was granted to him. The State was also directed to file an affidavit with regard to the aforesaid facts and circumstances.

When the matter came up for hearing today, the learned State counsel has stated that the affidavit could not be filed.

It has been submitted by learned counsel for the complainant that the present case pertains to double murder and the petitioner was earlier convicted under Section 304 Part II of the IPC and the present petition has been filed for grant of anticipatory bail but he deliberately and actively concealed this fact from the Court. He referred to Para 8 of the present petition filed by the petitioner in this regard. Para 8 of the present petition is reproduced as under:-

“8. That the petitioner has not been implicated in any such offence earlier. The petitioner shall not leave India without the prior permission of this Hon'ble Court, while granting the concession of anticipatory bail.”

A perusal of the same would show that it has been specifically stated by the petitioner that he has not been implicated in any such offence earlier. The present petition is also supported by an affidavit of the petitioner which is duly notarized affidavit and is appended at Page No.9 of the Paper-book.

Learned counsel for the complainant has also supplied a copy of the judgment passed by this Court in **CRA-S-1555-SB-2003** titled as “*Gurjit Singh and another Vs. State of Punjab*” decided on 21.11.2013, which shows that the appellant-Gurjit Singh was convicted under Section 304 Part II IPC and the same has been affirmed by this Court.

The aforesaid fact is also now not disputed by the learned counsel for the petitioner and when a specific query was asked to the learned counsel for the petitioner as to why there had been a material concealment, he submitted on instructions that it could not be mentioned in the present petition inadvertently.

Learned counsel for the complainant has also submitted that in fact the petitioner has been regularly threatening the complainant and in this regard even a writ petition was also filed before this Court bearing CWP-9662-2022, in which, the State has given one PSO to the complainant which is reflected from the orders passed by this Court on 18.05.2022.

From the aforesaid, it is clear that the petitioner has not disclosed the material facts and rather concealed the fact with regard to his earlier conviction in a murder case and the subject matter of the present case pertains to the double murder. The petitioner is seeking the concession of anticipatory bail and he is under an obligation and supposed to come to this

Court with clean hands. Although, he has already been granted interim anticipatory bail in pursuance of the orders passed by this Court but at that point of time, the petitioner had not disclosed with regard to the earlier conviction. Be that as it may, a concession of anticipatory bail cannot be granted to a person, who comes to the Court with unclean hands and deliberately conceals material facts. The plea raised by the learned counsel for the petitioner on instructions that it was an inadvertent mistake, cannot be accepted. The petitioner was convicted under Section 304 Part II of the IPC and it cannot be believed that he missed the same while not disclosing the same in Para 8 of the present petition and the petition is also supported by an affidavit of the petitioner himself.

In view of the aforesaid position, this Court does not deem it fit and proper to grant concession of anticipatory bail to the petitioner.

Consequently, finding no merit in the present petition, the same is, hereby, dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

25.08.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |