

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

CRM-M-29068-2021
Decided on : 16.05.2022

Akashdeep Singh @ Akash

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Grewal, Advocate
for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

This is the third application under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.25 dated 26.02.2019 under Sections 392, 201, 34 IPC and Sections 25/54/59 of Arms Act registered at Police Station City-1, Malerkotla District Sangrur.

Vide order dated 11.05.2022, a report with complete record had been called for, from the trial Court concerned, as to how and in what circumstances, the accused-petitioner had been extended the concession of bail even though instant petition under Section 439 Cr.PC, filed on 15.04.2021, was still pending consideration before this Court.

In compliance of the said order, report dated 13.05.2022 from Mr. Suresh Kumar, PCS, Judicial Magistrate, Ist Class, Malerkotla has been received along with the complete record of the case in question.

As per the report received, the petitioner was extended the concession of bail by the trial Court concerned on 15.12.2021. While filing

the bail petition on 14.12.2021 though the accused-petitioner mentioned on the front page that it was his second bail application before the trial Court, however, he categorically stated therein that no such application was pending or had been decided either by the trial Court or any other Court including this Court under Section 438 or 439 Cr.PC, except his first bail application filed under Section 437 Cr.PC, which was dismissed on 30.07.2019 by SDJM, Malerkotla. It is thus, evident that despite the orders of this Court dated 22.07.2021 in ***Vijay Kumar @ Vijay Vs. State of Punjab (CRM-M-21526-2021)***, a fraud has yet again been played upon a Court of law by material and willful concealment of facts. It cannot be believed that the public prosecutor concerned as well as the investigating officer of the case would have been unaware about the pendency of the present petition, which is a third petition for regular bail filed by the petitioner.

Learned counsel for the petitioner submits that he was not aware about the filing of the bail petition before the Court below and seeks permission to withdraw the present petition.

Accordingly, the present petition stands dismissed as withdrawn.

This Court is constrained to observe that it is apparent that the Public Prosecutor concerned and the investigating officer of the case seem to have intentionally concealed the factum of the pendency of the instant petition before this Court from the trial Court concerned. It needs to be observed and noticed here that the accused-petitioner is admittedly a man of criminal antecedents. A perusal of the order dated 15.12.2021 vide which the petitioner was granted bail by the trial Court under Section 439 Cr.PC

reveals that the factum of the criminal antecedents of the petitioner have not even been noticed by the trial Court. This again raises eyebrows as to whether the Public Prosecutor and the investigating officer of the case had even apprised the Court concerned about the involvement of the petitioner in several other criminal cases.

This Court, in the aforementioned circumstances, directs that the Director General of Police, Punjab as well as Director Prosecution, Punjab shall look into the matter forthwith and initiate action as may be warranted against the erring officials.

The original record of the case be returned to the trial Court concerned forthwith through special messenger.

Copy of this order be sent to the quarters concerned for immediate compliance.

16.05.2022
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(MANJARI NEHRU KAUL)
JUDGE

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