

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

CRM-M-22506-2022

Date of Decision :- 27.5.2022

Sona Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.G.S. Bawa, Advocate
for the petitioner.

Mr.Anmol Singh Sandhu, AAG, Punjab.

H.S.MADAAN, J. (ORAL)

1. In the head-note of the petition, it is mentioned to be the First Petition under Section 438 Cr.P.C. In para No.10, it has been stated that similar petition had not been filed earlier by petitioner in this Court or in the Hon'ble Supreme Court. This petition is signed by Sh.G.S. Bawa, Advocate for the petitioner. An affidavit of the petitioner has been attached to the effect that petitioner had not been filed any such petition earlier in this Court or in the Apex Court. This contention is obviously wrong since as reported by the Registry, a petition bearing CRM-M-35122-2020 for pre-arrest bail had been filed on behalf of the petitioner Sona Singh, which was dismissed on merits vide a detailed order dated 16.11.2020. This fact has obviously been suppressed in this petition, which is a clear misrepresentation and an attempt to mislead the Court in

order to get relief. It is a serious matter reflecting on conduct of the counsel for the petitioner. Even if, it is taken that petitioner had not informed his counsel regarding his having filed a petition for grant of pre-arrest bail earlier, which had been dismissed by this Court, he should have carried out the necessary verification from the record, which he obviously did not. The petitioner had obviously filed a false affidavit suppressing the fact of his having moved petition for pre-arrest bail earlier, which had been dismissed on merits vide order dated 16.11.2020 mentioned supra.

2. However, since counsel for the petitioner has expressed regrets and sought permission to withdraw the present petition. While advising him to be careful in future in such like matters, he is permitted to withdraw the present petition.

3. Dismissed as withdrawn.

4. At the same time, the conduct of the local police in the matter comes out to be quite casual and lethargic. The petition for grant of pre-arrest bail filed by the petitioner earlier having been dismissed vide a detailed order dated 16.11.2020 and time of about 1 ½ years having elapsed, the local police has not been able to arrest the petitioner and he is roaming about freely, which is a matter of concern. Therefore, SSP Amritsar (Rural) is directed to ensure that petitioner is arrested in this case within a period of 10 days from today and report be sent to this Court.

5. Registry is directed to place that report before this Court as and when it is received.

6. It is made clear that in case this direction is not

complied with, a serious view in the matter shall be taken and SSP Amritsar (Rural) may be called to appear in person before this Court to explain the lapse. The Registry is directed to send copy of the order to SSP Amritsar (Rural), in addition to that the State counsel is directed to convey it to SSP Amritsar (Rural) telephonically.

27.5.2022**Brij****Whether reasoned/speaking :****Yes/No****Whether reportable :****Yes/No****(H.S. MADAAN)
JUDGE**