

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

CRM-M-26229-2022 (O&M)

Date of decision : 10.06.2022

Deen Mohd.

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Rosi, Advocate
for the petitioner.

PANKAJ JAIN, J. (ORAL)

Apprehending his arrest in FIR No.51 dated 27th February, 2022, registered under Sections 13(1) and 13(3) of Haryana Gauvansh Sanrakshan and Gausamvardhan Act, 2015 and Section 11 of Prevention of Animals of Cruelty Act, 1959 (later on added Section 120-B of the IPC and Sections 181/192 of Motor Vehicle Act, 1988) at Police Station Sadar Palwal, District Palwal, petitioner seeks pre-arrest bail.

2. Notice of motion.

3. On asking of the Court, Mr. Neeraj Poswal, Asstt. Advocate General, Haryana appears and accepts notice on behalf of the respondent/ State.

4. The petitioner approached Ld. Additional Sessions Judge, Palwal for pre-arrest bail under Section 438 Cr.P.C. While declining the same, Ld. Addl. Sessions Judge observed as under :-

“2. Along with application, the affidavit of Sh. Deen Mohd.

(applicant) is attached wherein he has deposed that no other application is pending or decided by this Court or any other Court. It is admitted that first application for anticipatory bail filed by the applicant was dismissed as withdrawn. This fact has not been disclosed by the applicant in his affidavit.”

5. Ld. Counsel for the petitioner submits that the reason recorded by the Sessions Court is not sufficient to decline the bail. No other reason having been assigned by the Sessions Court, the order deserves to be set aside and the petitioner may be granted concession of pre-arrest bail.

6. I have heard Ld. Counsel for the parties and have carefully gone through the records of the case.

7. Admittedly, the petitioner concealed the fact of filing first application seeking pre-arrest bail and dismissal thereof from the Court. Ld. Counsel for the petitioner very casually states that, that alone cannot be a reason to dismiss the bail. The law is well settled that where a process is “*ex debito justitiae*” the Court would refuse to exercise its discretion in favour of the applicant where the application is found to be wanting in *bona fides*. Apex Court in the case of **Hari Narain vs. Badri Dass, AIR 1963 S.C. 1558** approved of the said principle and the same was followed in the case of **Welcome Hotel vs. State of Andhra Pradesh, (1983) 4 SCC 575** wherein it was held that a party which has mislead the Court, is not entitled to any consideration at the hands of the Court.

8. In the considered opinion of this Court, the petitioner has not

approached the Court seeking relief of pre-arrest bail with the clean hands and the Lower Court was justified in dismissing the application filed by the petitioner.

9. In the circumstances, finding no merit in the present case, the same is dismissed.

June 10, 2022
Dpr

(PANKAJ JAIN)
JUDGE

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