

CRM-34193-2022 in/and
CRM-M-30430-2022 (O&M)
Date of Decision: 28.09.2022HARVINDERJIT SINGH
V/S
STATE OF PUNJAB... PETITIONER
... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Dhillon, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Ms. Prabhjot Kaur Virk, Advocate for the complainant.
* * * *VIVEK PURI, J. (ORAL)

CRM-34193-2022

This is an application for placing on record the copy of the orders dated 12.08.2022, 17.08.2022 and the bail application. The same are allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Petitioner is seeking regular bail in case bearing FIR No. 32 dated 10.03.2022 under Section 498-A IPC, registered at Police Station Mattaur, SAS Nagar, Punjab.

Learned counsel for the petitioner in all his fairness submits that during the pendency of the present petition, bail application under Section 437 Cr.P.C. was moved for grant of regular bail in the trial Court and the said application has been allowed in terms of the order dated 17.08.2022 passed by the court of learned Addl. Chief Judicial Magistrate,

SAS Nagar Mohali.

It has been further submitted that it was specifically and categorically mentioned in the bail application submitted in the Court below that no such similar bail application is pending or decided by any competent court of law and the said assertion was against the factual position. He has only prayed that a lenient view may be taken in the matter as the FIR has been registered on account of matrimonial dispute. He has also submitted that appropriate cost may be imposed upon the petitioner in terms of the dictum laid down in CRM-M-52620-2019; titled as Kulwant Singh @ Sajan vs. State of Punjab, decided on 11.03.2022. In the aforesaid decision, it has been laid down as following:-

“41. Therefore, in the light of the aforesaid facts and circumstances of the present three cases, this Court is of the view that instead of cancelling/anuling/setting aside the three bail orders passed by the respective learned Additional Sessions Judges, the end of justice would be served to dismiss the present petitions by imposing costs upon the petitioners.

42. In view of above, all the three petitions are hereby dismissed with costs of Rs. 10,000/- each to be paid by all the three petitioners. The petitioners are directed to deposit the said amount in the Court of learned Chief Judicial Magistrate concerned within two months from today. In the event of the deposit of the said amount, the same would be sent to the Punjab Legal Services Authority. In case the petitioners do not comply with the order passed by this Court regarding payment of costs, the concerned Chief Judicial Magistrate would take necessary steps to recover the amount in accordance with law. Such a course has been adopted only in view of the facts and circumstances of the present cases and would not mean that a bail order cannot be cancelled/set aside on the basis of such kind of suppression of fact from the Court as there can be no straight jacket formula regarding the same.”

In these set of circumstances, the application is dismissed as withdrawn subject to payment of Rs. 10,000/- as costs to be deposited with the District Legal Services Authority, SAS Nagar, Mohali within a period of one month from today. In the event, the amount is not deposited, the Court seized of the matter will initiate action as suggested in the aforesaid decision.

Dismissed as withdrawn.

28.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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