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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36904-2022
Date of Decision: 23.08.2022

Jaswinder Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

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.54 dated 24.06.2022, under Sections 22, 29, 61, 85 of NDPS Act, registered at Police Station City Ahmedgarh, District Malerkotla.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He further submitted that earlier also one petition for anticipatory bail was filed which was withdrawn and he submitted that he specifically asked from the petitioner as to whether any earlier petition has been filed or not to which he stated that no earlier petition was filed.

In the present case, the petitioner had filed a petition for grant of anticipatory bail in FIR No.54 dated 24.06.2022, under Sections 22, 29, 61, 85 of NDPS Act, registered at Police Station City Ahmedgarh, District

Malerkotla which came up for hearing before this Court on 02.08.2022 and the same was withdrawn. Now on 10.08.2022 another petition for grant of anticipatory bail has been filed by the petitioner after a period of one week only, although through some other counsel. The head note of the petition would show that it is stated to be the first petition under Section 438 of the Code of Criminal Procedure. A perusal of para No.19 of the petition would show that it has been specifically stated by the petitioner that the petitioner has not filed any such or similar petition either in this Court or in the Hon'ble Supreme Court. Para No.19 of the petition is reproduced as under:-

“19. That the petitioner has not filed any such or similar petition in this Hon'ble Court or in the Hon'ble Supreme Court of India also no such or similar petition is pending before the Ld. Additional Session Court or in any other Court of competent jurisdiction.”

The present petition is also supported by the affidavit of the petitioner which is dated 10.08.2022 and at page No. 10 of the paper-book. The affidavit is duly verified and has been notarized. The petitioner withdrew the anticipatory bail application in the same FIR on 02.08.2022 and after one week he filed a fresh anticipatory bail petition by deliberately concealing with regard to the earlier withdrawal of the petition for grant of anticipatory bail and the gap is only one week.

It is clear that the petitioner has not come to this Court with clean hands and has deliberately concealed and suppressed the aforesaid fact that about only one week back he had withdrawn the petition for

grant of anticipatory bail and there is no change of circumstance. The FIR in the present case has been lodged under the provisions of NDPS Act and as per para No.16 of the petition, the petitioner is involved in as many as 6 more FIRs and the details of the same are mentioned in the aforesaid para.

In view of the aforesaid position, this Court is of the view that the present petition is liable to be dismissed with costs in view of the active and deliberate concealment of facts from this Court which amounts to abuse of process of law.

Consequently, the present petition is dismissed with Rs. 25,000/- as costs to be paid by the petitioner within a period of 3 months from today. The costs shall be deposited with the Indian Red Cross Society, Punjab, Sector-16, Chandigarh and receipt thereof be placed before the date fixed.

Put up on 30.11.2022 for compliance purposes.

23.08.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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