

CRM-M-45548-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45548-2021
Reserved on: 04.03.2022
Pronounced on: March 09, 2022

Santokh Singh @ Tohla ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.B.S. Mann, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
182	29.09.2019	Guru Harsahai, District Ferozepur	15/61/85 of NDPS Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. Ld. Counsel for the petitioner contends that the co-accused Harjinder Singh alias Pappa stands released on bail by this court vide order dated 17-07-2020 passed in CRM-M-17548-2020, and as such he is also entitled to similar relief on the grounds of parity.
3. As per paragraph 12 of the bail petition, the petitioner explicitly declares that no case of such or similar nature is pending against the petitioner. To the contrary, Id. Counsel for the State submits that a large number of cases were registered against the petitioner under Excise Act and NDPS Act, which are as under:-

Sr.No.	FIR No.	Dated	Police Station	Sections
1	141	29.09.1998	Guru Har Sahai	61/1/14 of Excise Act (acquitted on 04.02.2000)
2	33	05.04.1999	Sadar, Jalalabad	61/1/14 of Excise Act
3	152	17.12.1999	Guru Har Sahai	61/1/14 of Excise Act
4	79	02.09.2001	Guru Har Sahai	61/1/14 of Excise Act

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				(convicted on 05.11.2002)
5	44	08.05.2002	Guru Har Sahai	61/1/14 of Excise Act
6	54	25.05.2004	Guru Har Sahai	61/1/14 of Excise Act
7	108	18.04.2004	Guru Har Sahai	61/1/14 of Excise Act
8	123	11.07.2005	Guru Har Sahai	61/1/14 of Excise Act
9	15	31.01.2020	Guru Har Sahai	15/61/85 of NDPS Act
10	11	21.01.1999	Guru Har Sahai	61/1/14 of Excise Act
11	24	07.01.2014	Sadar Jalalabad	61/1/14 of Excise Act
12	203	18.10.2013	Guru Har Sahai	18/21/22/61/85 of NDPS Act
13	159	23.08.2012	Guru Har Sahai	15/61/85 of NDPS Act
14	83	05.11.1999	Sadar Jalalabad	61/1/14 of Excise Act
15	182	29.09.2019	Guru Har Sahai	15, 18, 61/85 of NDPS Act

4. A perusal of declaration made in paragraph 12 reveals that the petitioner tried to give an impression of clean antecedents by just mentioning NDPS cases and concealing cases under other penal acts; whereas he had faced fifteen cases as per status report. Given this, the petitioners have concealed the material information from this court to get benefit of bail on parity.

5. Given above, the petitioners fail to make out a case unless they disclose the true and complete particulars about their criminal antecedents, including the quantity involved in NDPS cases, which are pending or in which he stands convicted. Be that as it may, the petitioner shall be at liberty file separate bail petition mentioning complete criminal history. The dismissal of the present petition shall not come on way while conserving new petition.

6. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms with liberty reserved. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

March 09, 2022
anju rani

Whether speaking/reasoned:
Whether reportable:

Yes
No.