

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

212

CRM-M-43787-2020

Date of decision: 22.03.2022

SAHIB SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. V.G.Jauhar, Senior DAG, Punjab and
Mr. Tanvir Joshi, AAG, Punjab
for the respondent-State.

SANT PARKASH, J. (ORAL)

Present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case, FIR No. 298 dated 16.10.2020 registered under Section 379-B of the IPC at Police Station Civil Lines, Amritsar District Police Commissionerate, Amritsar to which Sections 411, 473, 34 of the IPC were added later on.

On dated 26.10.2021, Co-ordinate Bench of this Court passed the following order :-

“.... Learned counsel for the respondent-State submits that keeping in view the report of the learned District and Sessions Judge, Amritsar dated 19.10.2021 wherein, certain observations have been made in respect of the Investigating and Prosecution Agency, due to which the petitioner was able to secure bail by concealing the

material facts, the said observation needs to be responded by the Investigating as well as Prosecution Agency.

Before any order is passed by this Court, let the response to the said report dated 19.10.2021 be submitted by the Head of the District Police, Amritsar as well as Director Prosecution, Punjab. Response should be submitted after being satisfied about the facts.....”

In compliance to the aforesaid order, affidavit of Nirmal Pal Singh, Director Prosecution and Litigation and Additional Secretary to Government of Punjab was filed.

As per the said affidavit, mother of accused filed a false and wrong affidavit and concealed the fact with regard to the decision of previous bail application of the accused/petitioner.

Further, para No. 5 and 6 of the affidavit are reproduced as under :-

“ 5. That it is most humbly submitted that the bail application was decided during the covid-19 pandemic and as per the report of the concerned law officer, in those days the duties of the Id. Trial Courts were fixed on roster basis. She submitted that the investigating Officer of the present case or any other police official never brought to her knowledge regarding the pendency of bail application of accused Sahib Singh before the Hon'ble Punjab and Haryana High Court. She further submitted that if above said fact had been brought into her knowledge by Investigation Officer or any other police official of Police Station Civil Lines, Amritsar then she definitely had brought the same into the knowledge of Id. Trial court during the course of arguments of the bail application.

6. That in view of the facts and circumstances of the case mentioned above, it is humbly submitted that there was no intentional concealment of facts by the Prosecution Agency and there was no lapse on the part of Prosecution Agency. It is submitted that the deponent has issued directions to all the District Attorneys/Public Prosecutors of the State of Punjab that they shall be duty bound to appraise the court concerned (before whom the bail application has been moved), after collecting the necessary information from the investigating officers with respect to the filing of any application / petition before any court, seeking concession

of bail under the provisions of Code of Criminal Procedure and the result thereof.. ”

In view of the above, I am of the considered view that no further action is warranted/required to be taken against the mother of the petitioner in whose affidavit a wrong averment was made and the present petition for grant of regular bail to the petitioner has rendered infructuous.

Disposed of as having become infructuous.

22.03.2022
kavneet singh

(SANT PARKASH)
JUDGE

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