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

(Through video conferencing)

**CRM-M No.51908 of 2021
Date of Decision: 24.01.2022**

JOGINDER @ RINKU

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Safia Gupta, Asstt. A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in his 3rd attempt under Section 439 Cr.P.C in case bearing FIR No.388 dated 16.09.2019 registered under Sections 147, 149, 323, 307, 341, 506 IPC at Police Station Azad Nagar, Hisar, District Hisar.

Earlier CRM-M No.14735 of 2021 and CRM-M No.36916 of 2021 were got dismissed as withdrawn at the stage when the Court was inclined to dismiss the same on merits.

Perusal of the record would show that the petitioner gave a brick blow on the head of husband of the complainant

and other co-accused gave kicks and slaps to the husband of the complainant. Husband of the complainant became unconscious. Injury No.1 on the person of the injured was referred to surgical opinion. Injury No.2 was advised eye opinion. Injury No.1 was found to be grievous as well as dangerous to life. Offence under Section 307 IPC was added. First bail application was filed before the Court of Sessions, Hisar which was got dismissed as withdrawn on 18.11.2019. Thereafter second bail application was filed before the same Court and the same was dismissed on merits on 11.12.2019. Third bail application was filed by describing the same to be the first bail application. As a result of that the said third bail application was listed before some other Presiding Officer resulting in grant of bail vide order dated 24.02.2020 on merits. When complainant came to know about this fact, the complainant filed an application under Section 439(2) Cr.P.C. for cancellation of bail and also for initiating legal proceedings against mother of the petitioner for filing wrong affidavit.

The bail was cancelled vide order dated 25.02.2021 on the premise that the petitioner secured the bail by mentioning the wrong facts on the title of the petition. Third bail application was described as first bail application so as to get the same listed before some other Presiding Officer.

This Court in the detailed order dated 16.01.2021 also

took notice of the fact that even in the High Court, the petitioner had pleaded some wrong facts in para no.12 of the said petition by showing that bail applications were moved in the same lower Court. The plea was found to be factually wrong. When the Court was inclined to dismiss the bail applications on merits, the petitioner got the same dismissed as withdrawn.

A person, who has not come to the Court with clean hands cannot seek equity in law. The petition is accordingly dismissed.

January 24, 2022

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No