IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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2023:PHHC:099815

CRM-M-3802-2023

Date of decision: August 3rd, 2023

Naresh Kumar and another

.....Petitioners

Versus

Santra Devi and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sandeep Singal, Advocate
with Mr. Shubham Kashyap, Advocate
for the petitioners.

Mr. Rahul Mohan, Senior Deputy Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case criminal complaint case bearing No.63 dated 11.09.2014 (Annexure P-1), filed under Sections 307, 302, 148, 149 and 120-B of the Indian Penal Code, 1860.

2. Mr. Ankur Dua, Advoate, has filed power of attorney on behalf of respondent No.1, which is taken on record.

3. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. He submits that the petitioners have not approached this Court with clean hands as admittedly they stand declared as proclaimed offender and thereafter FIR under Section 174-A IPC stands registered against them. Learned counsel submits that on this ground itself, this petition deserves to be thrown out because the petitioners have intentionally concealed this

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material fact from this Court. It has also been submitted that it is also a matter of record that the petitioners had been granted the concession of anticipatory bail and had been directed to surrender before the Court below, which for reasons best known to them, they failed to do.

4. In the circumstances particularly in the wake of material concealment of facts, no ground is made out to entertain the instant petition.

5. The petition, therefore, stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

August 3rd, 2023 **(MANJARI NEHRU KAUL)**
Puneet **JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No

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