

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-20861-2023

Date of Decision:28.04.2023

Pradeep Singh

.....Petitioner

Vs.

State of U.T. Chandigarh

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sukhbir Maandi, Advocate
for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is to quash order dated 04.10.2022 passed by Learned Judicial Magistrate 1st Class, Chandigarh in a case arising out of FIR No.71 dated 23.10.2020, registered at Police Station Sector 49, Chandigarh under Sections 419, 420, 468, 471, 120-B of the IPC.

2. It is submitted by learned counsel for the petitioner that matter has since been compromised.

3. It is further submitted by learned counsel for the petitioner that earlier petitioner had filed an application under Section 439 Cr.P.C. for concession of regular bail bearing No.CRM-M-48797-2021 titled as 'Pradeep @ Pardeep Singh Vs. State of U.T., Chandigarh and another', wherein petitioner was released on interim bail vide order dated 18.11.2021.

4. Notice of motion.

5. Mr. Sumit Jain, Addl. PP for U.T. Chandigarh, appeared on behalf of respondent and submits that petitioner has mislead this Court by concealing the fact that CRM-M-47897-2021 was dismissed by the Court on 10.11.2022. He has also placed on record copy of order dated 10.11.2022 passed by a Co-ordinate Bench of this High Court in CRM-M-47897-2021, which reads as under:

“On the last date of hearing, learned APP, U.T., Chandigarh had pointed out that the petitioner was earlier granted interim bail by this Court which was extended from time to time but his interim bail expired on 07.07.2022 and more than two months have elapsed and he has not even surrendered before the trial Court, therefore, the application filed by learned counsel for the applicant/petitioner for withdrawal of the main case was declined by this Court.

Today, nobody has caused appearance on behalf of the petitioner and the learned State counsel has stated that the petitioner has now been declared as proclaimed person vide order dated 04.10.2022 by the learned Judicial Magistrate Ist Class, Chandigarh.

In view of the aforesaid factual position, the present petition is hereby dismissed.”

6. It is clear from the aforesaid order that interim bail was earlier granted to the petitioner which was extended from time to time but he did not surrender before the Trial Court despite direction and in the meantime, he was declared proclaimed person vide order dated 04.10.2022 and in these

circumstances, the earlier petition was dismissed.

7. Petitioner concealed the fact of dismissal of his earlier petition vide order dated 10.11.2022.

8. In view of the abovesaid situation, when petitioner concealed material facts from this Court, this petition is hereby dismissed with cost of ₹10,000/- to be deposited in U.T. State Legal Services Authority, Chandigarh within 15 days.

9. A copy of this order be sent to Member Secretary, U.T. State Legal Services Authority to initiate necessary steps in case cost is not deposited.

April 28, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No