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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55941-2022
Date of decision: 07.08.2023

RAVI KUMAR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amandeep Chhabra, Advocate for
Mr. D. P. S. Joura, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.229 dated 25.10.2022, under Sections 379/411/201 IPC, registered at Police Station Civil Lines Patiala, District Patiala, Punjab.

2. Learned counsel for the petitioner has submitted that the petitioner has joined investigation and, therefore, the interim bail which was granted to him on 02.12.2022, may be confirmed.

3. On the other hand, Mr. Sarabjit Singh Cheema, learned Deputy Advocate General, Punjab, on instructions from ASI Manjit Singh, has submitted that it is a case where the petitioner does not deserves the concession

of anticipatory bail. He further submitted that initially the petitioner did not join the investigation but, thereafter, he although joined the investigation, but he has not at all cooperated in the investigation process. He further submitted that even on the last date of hearing also, the petitioner was again directed to join the investigation but he did not join the investigation and did not cooperate with the investigation process. He further submitted that it is the case where the allegations in the FIR were that the complainant had alleged that he parked his car in the parking from where it was stolen and one person, namely, Vikramjeet Singh had come on a motorcycle and that motorcycle was left abandoned and he stole the car. The said motorcycle was taken in possession by the police, which was also found to be stolen from some other place. Thereafter, the aforesaid Vikramjeet Singh disclosed the name of the present petitioner by deposing that he had sold the car to the present petitioner. He further submitted that the petitioner is involved in as many as three more FIRs of similar nature of stealing of cars and they have formed a gang for stealing the cars and it is not the case that the petitioner is having clean antecedents. He further submitted that the petitioner has also concealed true facts from this Court and by referring to para No.13 of the present petition, he has submitted that it is stated that the petitioner is involved in only one FIR under Section 379 IPC, whereas, in fact the petitioner is involved in three more FIRs of similar nature and has, therefore, misled this Court. He further submitted that the present petition is supported by an affidavit, which is a false affidavit filed by the petitioner and action may be taken against the petitioner in this regard.

4. I have heard the learned counsel for the parties.

5. The petitioner was granted interim bail by this Court on 02.12.2022 and he was directed to join the investigation. The petitioner, thereafter, joined the investigation but as per the learned State counsel, he did not cooperate with the investigation process and joining of the investigation was only an empty shell and as per the learned State counsel, consequently could not get the car recovered from the petitioner, which he had stolen along with the other co-accused, namely, Vikramjeet Singh. The name of the petitioner was nominated on the disclosure statement of the said co-accused, but as per the learned State counsel, the petitioner is involved in three more FIRs of similar nature and during the investigation, it was found that the other co-accused had sold the stolen car to the present petitioner. The arguments which has been raised by learned State counsel that the petitioner has misled this Court by not deposing the true facts, especially para No.13 of the petition pertaining to his criminal antecedents, deserves to be considered seriously. The person who comes to the Court must come with clean hands. The present petition has been filed by the petitioner for grant of anticipatory bail, which is supported by an affidavit of the petitioner himself and it was the duty of the petitioner to have atleast disclosed all the cases which are pending against him, but he did not disclose about the three FIRs against him but has chosen to disclose about one FIR only, which is so incorporated in para No.13 of the petition. Even otherwise also, once the petitioner was directed to join the investigation by this Court, he was bound to cooperate in all respects with the investigation process.

6. This Court is of the view that considering the aforesaid submissions made by the learned State counsel and also keeping in view the

conduct of the present petitioner, he does not deserve the concession of anticipatory bail.

7. Therefore, finding no merit in the present petition, the same is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.08.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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