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2024:PHHC:001442

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-65501-2023
DECIDED ON: 28.12.2023

GURJEET SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. N.S. Diwana, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 438 Cr.P.C., seeking anticipatory bail to the petitioner in FIR 437, dated 05.11.2023, under Sections 34, 323, 451, 294 and 506 IPC, 1860 (Section 307 added later on), registered at Police Station Sohana, SAS Nagar, Mohali.
2. Learned counsel for the petitioner has contended that the petitioner has not committed any offence, as narrated in the FIR. He further contended that no offence under Section 307 IPC is made out as Gurjeet and his friend has inflicted injuries on the left buttock of the brother of the complainant with a sharp edge weapon like knife, which is non-vital part, which is evident from the FIR (Annexure P-1).
3. From a bare perusal of FIR, it is evident that learned counsel for the petitioner has mislead the Court by suppressing material facts. In the translation

version of the FIR, it is written that Gurjeet/his friend hit on the left buttock of the brother of the complainant with a sharp/knife like object due to which his brother fell on the spot. However, from the perusal of vernacular of FIR, it is abundantly clear that the afore-said contention made by the counsel for the petitioner is totally wrong, as the petitioner and his friend gave blow of sharp-edged weapon in the left flank of the brother of the complainant, which is vital part of the body. Thus, a clear case of Section 307 IPC is made out against the petitioner, who has made an attempt by wrong translation of the most pertinent fact, to commit fraud upon this Court.

4. This petition deserves to be dismissed on the sole ground that the he is guilty of suppressing material facts before this Court. Not only this but has also deliberately tried to mislead the Court into believing that a situation exists, which factually does not exist. The said averment have been made not only to hoodwink the respondents but also to obtain favourable orders from this Court.

5. In view of the discussions made hereinabove, the present petition is dismissed solely on the ground that the petitioner has not approached this Court with clean hands.

28.12.2023

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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*