2024:PHHC:015111

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(105)

CRM-M-5713-2024
Date of Decision:-05.02.2024

Suresh Chaudhari @ Suresh Kumar

……Petitioner

Versus

State of Punjab

……Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

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Present: Mr. Devender S. Punia, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab

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ALOK JAIN, J. (Oral)

1. The present petition is the third petition for grant of anticipatory bail to the petitioner in FIR No. 51 dated 01.08.2011 under Sections 420, 465, 467, 468, 471, 120-B and 477-A of the Indian Penal Code, registered at Police Station Phase 8, District SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner has failed to demonstrate as to how the third petition would be maintainable, especially, in light of the fact that the first petition bearing ***CRM-M-4373-2023*** was filed for seeking quashing of the order dated 09.04.2012, whereby, the petitioner was declared as a proclaimed person. Despite the fact that the petitioner approached the Court after almost more than 11 years, the Court took a lenient view and granted 30 days time to the petitioner to surrender and also granted liberty to the petitioner to move an appropriate bail application with a direction to the trial Court to consider the same in accordance with law.

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3. The petitioner violated the said order and after the expiry of 30 days, moved two petitions, one for grant of anticipatory bail and the other for extension of time to surrender. Since, the petitioner was granted extension of time of another 10 days vide order dated 12.01.2024 in CRM-599-2024 in CRM-M-4373-2023, the anticipatory bail filed by the petitioner was withdrawn.

4. However, now a third petition has been filed and a story was cooked up that the petitioner had some medical issue on 22.01.2024 i.e. the last date of his surrender and interestingly, the said medical record has also not been placed on record. It is relevant to mention here that the first petition for anticipatory bail was filed by the petitioner in the year 2011 and was dismissed on merits on 30.09.2011 in CRM-M-27069-2011.

5. Learned counsel for the petitioner submits that he could not place on record the documents pertaining to the medical condition of the petitioner at the time of filing of the petition, however, it cannot be ruled out that the said documents may be procured later in time, for the reason that the date on the medical documents is 22.01.2024 and the present petition was filed after almost 10 days i.e. on 31.01.2024.

6. The petitioner has apparently not only misused but has rather abused the process of law and it also needs to be looked into as to what were the respondent-Authorities doing during all these years. Let the respondents-authorities file an affidavit as to why the proceedings under Section 83 Cr.P.C. have not been initiated for attaching the properties and assets of the petitioner, who is repeatedly and with impunity violating the law of the land.

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7. Accordingly, the present petition stands dismissed with a direction to the respondent-authorities to promptly comply with the judgment passed by a Coordinate Bench of this Court in case titled as "***Darshan Singh Vs. State of Punjab and others"*** in ***CRM-M-55907-2023*** and initiate proceedings against the petitioner under Section 83 Cr.P.C. and Section 174-A of IPC as it is a basic juridical principle that a person who doesn't approach the Court with clean hands, is not entitled to any relief.

8. Although, it is a fit case to impose exemplary cost on the petitioner, however, taking a lenient view, the same is not being imposed.

(ALOK JAIN)
JUDGE

February 05, 2024
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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No

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