

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

CRM-M-49401-2024
Date of Decision: 03.10.2024

NAVEEN SAINI ALIAS CHINTU
.....PETITIONER
VERSUS
STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Anoop Verma, Advocate for the petitioner
Mr. Jaspal Singh Guru, AAG, Haryana

SANDEEP MOUDGIL, J(ORAL)

1. The jurisdiction of this court has been invoked under section 482 B.N.S.S. for seeking the grant of anticipatory bail in the FIR No.128 dated 12.08.2024 registered U/s 25 Arms Act at Police Station Basti Bawa Khel, Jalandhar.

2. Factual matrix of the case unfolds as under:-*Copy Ruka:-*
"SHO PS Basti Bawa Khel Commissionerate Jalandhar " Jai Hind"
Today I, SI along-with SI Surjeet Singh 2446, ASI Daljinder Lal 1259, Sepoy Sukhnilap Singh 1088, Sepoy Jugraj Singh 2135 on government vehicle number PB08-DG-5921 mark Ertiga with driver CT Harpreet Singh 1810 were present yesterday dated 11.08.2024 near bridge canal Kapurthala road, when a country servant came and informed that in the city, Jaskaran Singh Gujjar alias Kannu, r/o Ratan Nagar, Jalanchar Gopi r/o Shaheed Babu Labh Singh Nagar,

Jalandhar, Naveen Saini alias Chinu r/o Aman Nagar, Jalandhar and Vikram Baba r/o Raj Nagar Jalandhar, who keeps the illegal arms ammunition and sells the same. If they are apprehended then illegal arms ammunition can be recovered from them. Upon which I, SI along with other colleagues were present at Shahid Babu Labh Singh Nagar near Ganda Nala Jalandhar, till today I, SI have verified secretly and found that against all these persons various cases have been registered in different Police Stations. The information being true, correct and reliable it is found to be prohibited under section 25/54/59 of the Arms Act. Therefore, by writing ruka is being sent to Police Station by hand through Sepoy Jugraj Singh to 135. Case be registered and its case number be informed. Control room be informed. Special reports be sent to Illaqa Magistrate and officers. I along with other colleagues are leaving for raid; Shahid Babu Lal Singh Nagar near Ganda nala Jalandhar at 2:10 pm SD/- English Mohan Lal SI Special cell Commissionerate Jalandhar on 12/08/2024 today; on receiving the above written rukka in police station, by registering first information report under section 25/54,59 arms act, along with copy FIR is being sent for investigation through sepoy Arinda to ASI. By preparing the special reports of case the reports are being sent by hand through sepoy lady constable Sakshi Kondal number 729 to Hon'ble Illaqa Magistrate and officers. Police control room and officers have been informed through mobile phone. Report no 27 dated 12/08/2024.

Contentions on behalf of the Petitioner

3. Counsel for the petitioner contends that the petitioner has been falsely implicated in the present case merely on the basis of secret information and has not been named in the FIR. He further contends that no recovery was

effected from him and he has shown his willingness to join the investigation whenever called upon with full cooperation.

Notice of motion.

Submissions on behalf of the state counsel

4. State counsel who is present in the court accepts notice on behalf of the state respondent and opposes the prayer of the petitioner on the ground that the allegations against the petitioner are serious in nature wherein accused Lovepreet Singh alias Love was arrested by the police with 32 bore revolver along with 100 gms of Heroin from his possession apart from the fact that the allegation against the petitioner are also in regard to possessing of illegal weapons and indulging in sale of illegal weapons for which his custodial interrogation is required.

Analysis

5. Heard learned counsel for the respective parties at length.

6. The courts of law are meant for imparting justice between the parties. One, who comes to the court, must come with clean hands and no material facts should be concealed. Time and again the issue of abuse of process of law has come up before the Supreme Court as well as High Courts and the Courts have, over the centuries, frowned upon litigants, who, with intent to deceive and mislead the courts, initiated proceedings without full disclosure of facts. Supreme Court in ***Dalip Singh Vs. State of Uttar Pradesh and others, (2010)2 SCC 114*** came down heavily on unscrupulous litigants by holding that it is now well established that a litigant who attempts to pollute the stream of justice or who

touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.

7. In the instant case, the petitioner being allegedly involved in possession of illegal weapons and indulging in sale of illegal weapons has concealed the fact that his name does not finds mention in the FIR No. 128 dated 12.08.2024, however a perusal of the same makes it abundantly clear that the name of the petitioner has been clearly mentioned in the above stated FIR.

Conclusion.

8. In the light of above discussion and the law laid down by the Apex Court in Dalip Singh’s case(supra), this court is of the strong view that the petitioner has not approached this court with clean hands and concealed a material fact and has further tried to play smart with the judicial system by adopting all kind of clever tactics in an attempt to derail the process of law.

9. This court finding the instant petition being devoid of merits, stands dismissed.

03.10.2024
anuradha

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>