IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMP(M) No. 1571 and 1628 of 2026
Reserved on: 15.10.2026
Date of Decision: 27.10.2026

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1. **Cr. MP(M) No. 1571 of 2026**

Ajay Kumar @ Anki ...Petitioner

Versus

State of H.P. ...Respondent

2. **Cr. MP(M) No. 1628 of 2026**

Ajay Kumar @ Anki ...Petitioner

Versus

State of H.P. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1]

For the Petitioner(s)	Ms. Anjali Soni Verma, Advocate in Cr.MP(M) No. 1571 of 2026. Mr. Sunil Gautam, Advocate, in Cr.MP(M) No. 1628 of 2026
For the Respondent(s) / State	Mr Jitender Sharma, Additional Advocate General, in both the petitions.

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[1] Whether reporters of Local Papers may be allowed to see the judgment? Yes.

Rakesh Kainthla, Judge

Ajay Kumar alias Anki was arrested in F.I.R. No. 06 of 2025, dated 03.02.2025, registered at Women Police Station Chamba, District Chamba, for the commission of offences punishable under Section 65(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act)

2. He filed bail petitions before this Court, which were registered as CrMP(M) No. 1571 of 2026 and CrMP(M) No. 1628 of 2026. He stated in the bail petition bearing Cr.MP(M) No. 1628 of 2026 that no other bail application seeking similar relief is pending or has been filed before any other Court, which is patently false, because a bail petition, Cr. M.P. (M) No. 1571 of 2026 had already been filed on behalf of the petitioner, which was pending disposal. Thus, the petitioner concealed the pendency of the bail petition and made a false averment that no other bail petition is pending or filed before any other Court.

3. A notice was issued to the petitioner to explain the circumstances in which two bail petitions were filed.

2026:HHC:46806

4. The petitioner filed a reply asserting that he is in judicial custody. A private counsel was engaged by the petitioner's wife. The power of attorney in favour of private counsel was duly processed and attested by jail authorities, who were aware of such engagement. The jail authorities did not inform the legal service authority or legal aid counsel about the filing of the bail petition. The Jail authorities issued a communication regarding the engagement of private counsel and cancellation of legal aid counsel. There was no intention to mislead the Court. An apology was tendered for filing two bail petitions.

5. In ***Sunil Kumar versus State of Himachal Pradesh 2020 (4) Shim LC 2294***, the petitioner Sunil Kumar had filed two bail petitions asserting in both petitions that this was the first bail application filed by him. This Court held that the filing of two bail petitions amounts to an abuse of the process of the Court. It was observed: -

> "Institution of two bail petitions arising out of the same FIR by one petitioner is a matter of serious concern. Both these petitions have been filed almost simultaneously in this Court. Though incidentally, these two petitions have been listed before this Court, there was always a chance of theirs being listed in different Hon'ble Courts. This Court expresses serious

> concern over the misconduct of the bail petitioner in simultaneously filing two parallel bail petitions before this Court in the same case without divulging the complete details. The conduct of the petitioner is appalling. The filing of two petitions by the same petitioner arising out of the same FIR amounts to abuse of the judicial process and is strongly condemned. The Court expresses its disapproval of the manner in which simultaneously two bail petitions have been filed in this Court and records its indignation. The Court was inclined to take action against such conduct. However, on the fervent request made by learned counsel for the petitioner(s) and supported by the learned Amicus Curiae, Cr.MP(M) No.1321 of 2020 is ordered to be closed as withdrawn with a strong warning to the petitioner/his relatives not to indulge in such activities in future."

6. In ***Sonia V/S State of Himachal Pradesh, 2021 Cri. L. J. (NOC) 741,*** the petitioner Sonia applied for bail. The notice was issued to the State. The petitioner filed another bail petition concealing the fact that she had filed an earlier bail petition. It was asserted in both bail petitions that the petitioner had not filed any other petition. The bail was granted by the Court. Subsequently, an application for cancellation of bail was filed. It was held by this Court that filing separate bail petitions without disclosing the fact of earlier bail petitions amounts to abuse of the process of the Court and the bail granted by the Court can be cancelled on this short ground alone. It was observed:-

"A desperate attempt made by learned counsel for the respondent cannot change the glaring fact about the filing of Cr.MP(M) No.227/2021 by the petitioner seeking regular bail in FIR No. 135/2020 registered on 13.09.2020. The respondent had filed Cr.MP(M) No.227/2021 on 04.01.2021, in which notice was issued on 01.02.2021. State had waived the issuance of notice, and the matter was ordered to be listed in the first week of March 2021. During the pendency of this petition, the respondent, through email on 08.02.2021, i.e. after passing of the order on 01.02.2021 in Cr.MP(M) No.227/2021 filed a second bail petition Cr.MP(M) No.291/2021, through a different counsel with a specific averment that no other bail petition of her was pending adjudication before any other Court. The second bail petition was listed on 9.02.2021 when a notice was issued, and a status report was called for 10.02.2021. A status report was filed by the State without disclosing the calling of the status report in the same FIR in Cr.MP(M) No.227/2021 previously filed by the respondent. Considering the status report and after hearing the case, bail was granted to the respondent on 10.02.2021.

It is obvious that the respondent had hoodwinked the Court and obtained bail by abusing the judicial process. During the pendency of Cr.MP(M) No.227/2021, the respondent could not institute Cr.MP(M) No.291/2021. Two petitions, one after another, were filed in succession by the respondent for grant of bail in the same FIR and that too when her first bail petition was already pending adjudication. It cannot be assumed that the respondent was not aware about the order passed in her first bail petition. Being aware that Cr.MP(M) No.227/2021 stood filed and on 01.02.2021 was ordered to be listed in the first week of March 2021, the respondent dared to file a second bail petition (Cr. MP(M) No.291/2021) by changing her counsel and without disclosing the fact of pendency of the earlier bail petition, and the order passed in it either to her learned counsel or to the Court. Such conduct of the respondent is reprehensible and cannot be condoned. The conduct of the respondent reflects that she has no respect for the law and that she has

> misled the Court. Hence, the bail granted to the respondent on 10.02.2021 in Cr.MP(M) No. 291/2021 deserves to be cancelled. Accordingly, the petition Cr.MP(M) No. 721/2021 is allowed and bail granted in favour of the respondent on 10.02.2021 in Cr.MP(M) No.291/2021 is cancelled. However, liberty is reserved to the respondent to file a fresh petition, in accordance with the law."

7. It was laid down by the Hon'ble Supreme Court of India in ***Senior Intelligence Officer v. Mohd. Kamran, 2026 SCC OnLine SC 2198,*** that filing of multiple petitions for claiming similar relief amounts to an abuse of the process of the Court. It was observed:

> **25.** *First*, pursuit of parallel remedies before various fora by the respondent. He simultaneously pursued proceedings seeking bail/release before the Sessions Court as well as in his writ petition before the High Court while the criminal petition seeking bail before the High Court was pending consideration. Rejection of the prayer for bail (fourth in the series) by the Sessions Court as well as refusal by the writ court to order release from custody were particularly not brought to the notice of the High Court. The fact that the respondent engaged in forum shopping is evident. Appellant, however, failed to place relevant materials on record by not filing its objections; it may be that the time was too short. Also, in view of the winter vacation that followed and without having notice of the memo moved by the respondent for urgent listing of his criminal petition on 26th December, 2025, neither the appellant nor the learned counsel who appeared on 26th December, 2025 on its behalf could bring all facts to the attention of the Single Judge. Of

> utmost importance is that the respondent too did not! He indulged in *suppressio veri* and *suggestio falsi*.
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> **26.** Respondent's conduct in pursuing such parallel remedies, while keeping all judicial authorities in the dark, must be severely deprecated. It may be a right of the accused to challenge his arrest or to approach a court seeking bail; however, such conduct of pursuing remedies parallelly, particularly without adequate disclosure, clearly amounts to abuse of the process of law.

8. It was laid down by the Hon'ble Supreme Court in ***Kusha Duruka v. State of Odisha*, *(2024) 4 SCC 432 : (2024) 2 SCC (Cri) 466: 2024 SCC OnLine SC 5,*** that the registry of the High Court should annex a report generated from the system about the pending or decided bail application(s) in the crime case in question. It was observed at page 447:

> **22.3.** The Registry of the court should also annex a report generated from the system about decided or pending bail application(s) in the crime case in question. The same system needs to be followed even in the case of private complaints, as all cases filed in the trial courts are assigned specific numbers (CNR No.), even if no FIR number is there.

9. It was held in ***Zeba Khan v. State of U.P., 2026 SCC OnLine SC 188*** that the bail petitioner should furnish the relevant details in the petition, which should be duly supported by an affidavit. It was observed:

> **47.** As repeatedly observed by this Court, bail applications are examined at multiple stages - from

> the trial Court to the High Court and ultimately this Court - where courts are often constrained to take a *prima facie* view on incomplete or selectively presented records. Non-disclosure of material aspects such as criminal antecedents, prior bail rejections, duration of custody, compliance with constitutional and statutory safeguards, and the progress of trial may result in the unwarranted grant of bail, or conversely, the prolonged incarceration of accused persons despite substantial custody having already been undergone.
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> **48.** Thus, this Court is of the view that every petitioner or applicant seeking bail, at any stage of proceedings, is under an obligation to disclose all material particulars, including criminal antecedents and the existence of any coercive processes such as issuance of non-bailable warrants, declaration as a proclaimed offender, or similar proceedings, duly supported by an affidavit, to promote uniformity, transparency and integrity in bail adjudication.

10. In the present case, the powers of attorney are duly thumb-marked by the petitioner, and he cannot claim that he was unaware of the filing of multiple bail petitions on his behalf. He has not provided any explanation why he had thumb-marked two powers of attorney and for what purposes. Therefore, *prima facie*, the petitioner has abused the process of the court by filing multiple petitions, concealing one from the other, for getting suitable relief; such tendency needs to be curbed; hence, the petitioner cannot be heard on merits because of his conduct and his

2026:HHC:46806

bail petitions are dismissed on the ground that he had tried to overreach the Court by abusing the process of the Court.

11. In the present case, the registry has not annexed any report regarding the filing of the earlier bail petition, and the bail petitioner has also not furnished any affidavit in support of his bail petition.

12. It has been noticed by this Court that the tendency of filing simultaneous bail petitions is on the rise. This is facilitated by the absence of the report of the registry and non-filing of the affidavits. This can result in the passing of conflicting orders in the same matter by the same Bench or by different Benches to whom the filing of other bail petitions is not disclosed. Such conflicting orders, if passed, can bring the administration of justice into disrepute.

13. The Registry had also not annexed the report as required as per ***Kusha Duruka*** (supra), and processed the petition without the affidavit, which facilitated the multiple petitions. A suitable mechanism has to be evolved to stop the practice of filing multiple bail petitions, noticed in several cases facilitated by the inaction of the registry. Hence, the

matter be placed before the Hon'ble Chief Justice for appropriate orders.

(Rakesh Kainthla)
Judge

27th October, 2026.
(Ravinder)