

Pradeep Vs. State

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Court : Delhi

Decided On : Mar-17-1993

Reported in : 1993(25)DRJ574

Judge : Sat Pal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

Appeal No. : Criminal Miscellaneous (Main) Appeal No. 619 of 1993

Appellant : Pradeep

Respondent : State

Advocate for Pet/Ap. : B.L. Gupta and; R.D. Jolly, Advs

Judgement :

Sat Pal, J.

(1) The petitioner had earlier filed Cr.M(M) bearing No-424/93 for grant of interim bail for a period of one month on the ground of marriage of his daughter Ms. Ranjeeta in the case Fir No.312/92 P.S. Punjabi Bagh under Section 307/323/302/34 IPC. In this petition, it was stated that the petitioner had already been granted interim bail by Shri Kuldeep Singh, Addl. Sessions Judge, Delhi vide order dated 15th February, 1993 in another case pending against the petitioner pertaining to Fir No.129/91P.S. Hari Nagar, under Sections 21/61/85 NDPS Act. A

copy of the order dated 15th February, 1993 passed by the learned Addl. Sessions Judge was annexed with that petition.

(2) In the other case i.e. Fir No.312/92, Shri M.L. Sawhney, learned Addl. Sessions Judge, Delhi by his order dated 18th February, 1993 had rejected the application for bail and it was stated in this order that in view of the statement made by the 1.0. that the petitioner had committed another murder while he was on interim bail in the same case, it was not a fit case for grant of bail or interim bail. Aggrieved by this order the petitioner had filed the Cri.M(M) 424/93. This petition came up for hearing before me on 18th February, 1993 and after I declined the prayer of the petitioner for grant of interim bail, the said prayer was withdrawn as stated hereinafter. However, I directed that the notice of the petition be given to the State for 29th March, 1993. In my order I had stated that in view of the allegations made by the 10 that the petitioner had committed another murder while he was on interim bail, I would like to issue a notice to the State. Since the marriage was fixed for 20th February, 1993 and the learned counsel for the petitioner who is the counsel for the petitioner in the present case also, had stated that the petition would become infructuous, I directed that the petitioner be taken in custody to attend the marriage of his daughter but at that stage learned counsel for the petitioner withdrew his prayer for grant of interim bail.

(3) The present petition has been filed on 16th March, 1993 by the same petitioner, namely, Pradeep for grant of interim bail on the ground that the marriage of his daughter is fixed on 18th March, 1993. In this petition it has been stated that in the case registered against the petitioner vide Fir 312/92 P.S. Punjabi Bagh, U/S.307/323/302/34 Ips mentioned hereinabove, the petitioner has been granted interim bail by this Court on 12th March, 1993, but in the other case pertaining to Fir No. 129/91 under NDPS Act, P.S. HariNagar though the interim bail was granted by the learned Addl. Sessions Judge on 15th February, 1993 but the request for extension of the said interim bail was rejected by him vide his order dated 16th March, 1993. Aggrieved by the aforesaid order dated 16.3.1993, the petitioner has filed the present petition for grant of interim bail in Fir 129/91 under NDPS Act.

(4) When the case came up for hearing before me in the morning, it appeared to me that certain material facts have been concealed in the petition. Accordingly, I directed the learned counsel for the petitioner to give the particulars of the petition wherein the interim bail has been granted by this Court on 12th March, 1993 and on my asking the learned counsel produced a copy of the order from which I found that the interim bail was granted in CrI.M.(M)565/93. I adjourned the case for 2.00 Pm and directed the learned counsel for the State and the 1.0. to be present and I also summoned the file of CrI.M(M)565/93 and Cr.M(M)424/93. It will be relevant to point out here that in the present petition there is no mention of Cr.M(M)424/93 and on the contrary a certificate has been given on the bottom of the petition that 'no such petition was previously filed in Hon'ble High Court of Delhi or in the Supreme Court of India' which is duly initialled by the learned counsel for the petitioner.

(5) From the perusal of the prayer clause of the petition Cr.M(M) 565/93, I find that it has been stated that the petitioner may kindly be released on bail or in the alternative he may be released on interim bail for the performance of marriage of his daughter. Along with this petition the marriage invitation cards purported to be from the petitioner side as well as from the bridegroom side have been annexed and both these cards indicate that the marriage of the daughter of the petitioner is fixed on 14th March, 1993. Along with the present petition also, invitation cards both from the petitioner side as well as bridegroom side have been annexed but these cards show the date of marriage as 18th March, 1993. It may be pointed out here that in Cr.M(M)565/93 also a certificate has been given at the bottom of the petition by the learned counsel to the effect that 'no such petition was previously filed in the Hon'ble High Court of Delhi at New Delhi or at Supreme Court of India.'

(6) From the facts stated hereinabove, it is clear that the petitioner has concealed in both the petitions Cr.M(M)565/93 and Cr.M(M) 619/93, the fact of having filed earlier petition bearing No.Cr.M(M)424/93 wherein the prayer for grant of interim bail was rejected by me on 18th February, 1993 with a speaking order and a notice was given to the State for 29th March, 1993 and this fact has not been controverted by the learned counsel for the petitioner. It is further clear that a false certificate regarding non-filing of earlier petition was also given in both the petitions

bearing No.Cr.M(M)565/93 and the present petition. Furnishing a false certificate before the Court, is a very serious matter but since the certificate has been given by the learned counsel himself, I am taking a lenient view and I would not like to pass any further order on this aspect of the matter, but I hope that such an act will not recur in future.

(7) As stated earlier, I had also directed the 1.0. to be present. Si, Ranbir Singh, P.S. Punjabi Bagh, who is the 10 in the case is present in the Court. He admits that he had informed the learned A.P.P. in the Court of Shri M.L. Sawhney, Addl. Sessions Judge that the petitioner is alleged to have committed a murder while he was on interim bail. But this fact was not brought to the notice of the learned counsel for the State on 12th March, 1993 when the interim bail was granted to the petitioner in the case pertaining to Fir 312/92 P.S. Punjabi Bagh. He, however, submits that he was under some bonafide impression that only the fact regarding marriage of the daughter of the petitioner was to be verified this time. The 10, however, has expressed his regrets. In view of the regrets expressed by the 10, I am of the opinion that no further action may be recommended against him in this case, particularly in view of the fact that it was he who had brought to the notice of learned Addl. Sessions Judge that the petitioner is alleged to have committed another murder while he was granted interim bail. In view of the facts stated hereinabove, I find no merit in this petition and the same is dismissed.

(8) I, however, direct that the copy of this order be sent to the learned Trial Judge concerned in both the cases i.e Fir No-312/92 and 129/91 mentioned above for information.