IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CNR No: PHHC011505112026
2026:PHHC:135859

108 **CRM-M-50816-2026 (O&M)**

Gursewak Singh @ Navi ....Petitioner

V/s

State of Punjab ....Respondent

Date of decision: 21.09.2026

Date of Uploading : 21.09.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. K.S. Brar, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.94 dated 14.03.2025 registered for the offences punishable under Sections 21(C) and 29 of the NDPS Act, 1985, at Police Station City Faridkot, District Faridkot.

2. The petitioner, while describing the antecedents in the petition in hand, has averred thus:

> *"19. That as per the information provided by the petitioner, no other case is pending against the petitioner and he is not declared proclaimed offender in any other case till date except the present case.*
>
> *20. That the petitioner is not involved in any other case and there is no other FIR registered against the petitioner."*

2.1. Further, the affidavit sworn by the petitioner in favour of the petition in hand, reads thus:

> *"2. That the contents of the petition have been read over to the deponent which are true and correct to the knowledge of the deponent and no part of it is false and nothing has been concealed therein.*
>
> *3. That the petitioner has not been declared PO in any case."*

3. On 09.09.2026, the following order was passed:

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"Notice of motion.

On the strength of advance copy, Mr. Adhiraj Singh Thind, AAG Punjab, causes appearance on behalf of the respondent/State.

At this juncture, learned State counsel has submitted that, as per instructions received by him from Inspector Rajwant Singh, there are 7 other FIR(s) pending against the petitioner and he has been declared proclaimed offender in some of them.

Learned State counsel is directed to file an affidavit of the concerned SHO in this regard.

List for consideration on 21.9.2026.

To be shown in the urgent cause list.

The question, as to whether exemplary costs are liable to be imposed in case it is found that the petitioner has concealed antecedents, is kept open."

4. State has filed status report dated 15.09.2026, relevant whereof reads thus:

"3. ***Criminal Antecedents of Petitioner:***

That as per the information derived from the record of Police Station, except FIR No. 94(supra), the following other FIRs stand registered against petitioner:

Sr. No.	FIR No.	Under Section	Police Station
1.	88 dated: 25-09-2012	379/411/420/465/467/ 468/471 IPC, P.S Sadar Faridkot	P.O vide order dated: 07-06-2024
2.	52 dated: 20-02-2017	379 IPC, P.S City Barnala	P.O vide order dated: 10-06-2019
3.	46 dated 01-03-2017	379/411 IPC, P.S Division No. 5, CP Ludhiana	P.O vide order dated: 28-11-2023
4.	71 dated 03-03-2017	379/411/463/473 IPC, P.S Salem Tabri, Ludhiana	P.O vide order dated: 01-10-2022
5.	69 dated 12-03-2017	379 IPC, P.S City Barnala	P.O vide order dated: 30-07-2025
6.	159 dated: 18-11-2017	457/380 IPC, P.S Phagwara	PO Vide order dated: 05-10-2019
7.	68 dated: 04-05-2018	379/411 IPC, 25/54/59 Arms Act, P.S City Kotkapura	P.O vide order dated: 02-07-2022

5. Before proceeding further with the petition in hand, it would be apposite herein to refer a judgment passed by this Court in ***CRM-M-47220-2026 'Kaushalya Rani Vs. Union of India through the office of Narcotics Bureau'*** decided on 03.09.2026, relevant whereof reads thus:

*"**Prime issue***

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6. The issue that arises for consideration before this Court is as to whether the petitioner ought to be granted the concession of anticipatory bail in the factual milieu of the petition in hand.

The seminal legal question that arises for cogitation is whether an application/petition seeking anticipatory bail can, and indeed ought to be, dismissed on the sole ground of deliberate suppression of criminal antecedents/previous criminal involvements, without adverting to the factual matrix or underlying merits of the case?

Analysis (re: law)

7. The jurisdiction to grant anticipatory bail under Section 482 BNSS (erstwhile Section 438 Cr.P.C.) is an extraordinary discretionary and, equitable dispensation. Designed as a buffer against unnecessary/malicious arrest and police highhandedness, pre-arrest protection rests entirely on judicial discretion rather than statutory entitlement. Because a bail applicant/petitioner seeking anticipatory bail invokes the extraordinary equitable jurisdiction of the court to seek a pre-emptive protection, the plea is bound to be accompanied by uncompromising candor and complete disclosure in view of the doctrine of Uberrima Fides, i.e. the requirement of utmost good faith; which is not a mere rhetorical ornament, but the foundational pillar upon which extraordinary judicial remedies rest. While our criminal justice system purports to follow the adversarial model of adjudication, it cannot be reduced to a private contractual negotiation where parties retain the prerogative to disclose or conceal facts at their convenience. Judicial discretion is not a commodity to be bartered upon selective disclosures, nor is the court a stage for legal sleight of hand. A party invoking the extraordinary statutory concession of pre-arrest liberty owes a solemn duty of unreserved candor to the Court; failure whereof strikes at the very root of the adjudicatory process. The timeless maxim suppressio veri, suggestio falsi, i.e. the suppression of the truth is equivalent to the suggestion of a falsehood, applies with uncompromising force. Where a litigant attempts to play "hide and seek" or "pick and choose" facts for judicial scrutiny, the court is fully empowered to refuse to enter upon the merits, leaving the suitor stranded at the threshold of equity.

*7.1 The principle governing the summary rejection of discretionary remedies on account of material suppression was authoritatively discussed by the Hon'ble Supreme Court in **K.D. Sharma v. Steel Authority of India Ltd. & Ors. [(2008) 12 SCC 481]**, wherein it was held that a prerogative remedy is not a matter of course and while exercising extraordinary power, a court must bear in mind the conduct of the party invoking its jurisdiction. If an applicant makes a false statement or suppresses material facts to mislead the Bench, the court may dismiss the action on that ground alone*

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*and refuse to enter into the merits. The relevant part of **K.D. Sharma** (supra) is reproduced herein:*

> *"26. A prerogative remedy is not a matter of course. While exercising extraordinary power a Writ Court would certainly bear in mind the conduct of the party who invokes the jurisdiction of the Court. If the applicant makes a false statement or suppresses material fact or attempts to mislead the Court, the Court may dismiss the action on that ground alone and may refuse to enter into the merits of the case by stating "We will not listen to your application because of what you have done". The rule has been evolved in larger public interest to deter unscrupulous litigants from abusing the process of Court by deceiving it.*
>
> *xxx xxx xxx*
>
> *28.The above principles have been accepted in our legal system also. As per settled law, the party who invokes the extraordinary jurisdiction of this Court under Article 32 or of a High Court under Article 226 of the Constitution is supposed to be truthful, frank and open. He must disclose all material facts without any reservation even if they are against him. He cannot be allowed to play 'hide and seek' or to 'pick and choose' the facts he likes to disclose and to suppress (keep back) or not to disclose (conceal) other facts. The very basis of the writ jurisdiction rests in disclosure of true and complete (correct) facts. If material facts are suppressed or distorted, the very functioning of Writ Courts and exercise would become impossible. The petitioner must disclose all the facts having a bearing on the relief sought without any qualification. This is because, "the Court knows law but not facts."*

*Albeit, the dicta in **KD Sharma** (supra) arose within the realm of writ jurisdiction under Article 226/32 of the Constitution, the ratio applies with equal rigor to anticipatory bail proceedings also.*

*7.2 Pertinently, criminal antecedents/previous criminal involvements of a bail applicant/petitioner is not a collateral detail or mere procedural formality; it constitutes one of the major factors, if not the only facto, while adjudicating a plea for bail. In an adjudication for bail, criminal antecedents/previous criminal involvements serve as an imperative factor for assessing an applicant's propensity to reoffend, tamper with evidence, or influence witnesses. The indispensable nature of criminal antecedents/previous criminal involvements, as a primary factor in the exercise of judicial discretion in a petition for bail, has been repeatedly underscored in catena of binding precedents. In **Ash Mohammad v. Shiv Raj Singh @ Lalla Babu & Anr. [(2012) 9 SCC 446]**, the Hon'ble Supreme Court clarified that while a history-sheeter is not disentitled to bail as an*

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absolute rule, criminal antecedents/previous criminal involvements constitute a vital factor that cannot be ignored when evaluating societal impact and the gravity of the crime. The relevant part of ***Ash Mohammad*** *(supra) read thus:*

> *"30. Xxx xxx The role of the accused is clearly stated. It is apt to note that a history-sheeter has a recorded past. The High Court, in toto, has ignored the criminal antecedents of the accused. What has weighed with the High Court is that the accused had spent seven months in custody. That may be one of the factors but that cannot be the whole and the sole factor in every case. It depends upon the nature of the offence, the manner in which it is committed and its impact on the society. We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked. xxx xxx xxx"*

7.3 Furthermore, in ***Neeru Yadav v. State of Uttar Pradesh & Anr. [(2016) 15 SCC 422]****, the Hon'ble Supreme Court set aside a grant of bail specifically because the High Court had completely ignored the heinous criminal record of the accused, holding that ignoring antecedents renders the exercise of discretion whimsical, arbitrary, and "deviant." The relevant part of* ***Neeru Yadav*** *(supra) read thus:*

> *"15. This being the position of law, it is clear as cloudless sky that the High Court has totally ignored the criminal antecedents of the accused. What has weighed with the High Court is the doctrine of parity. A history- sheeter involved in the nature of crimes which we have reproduced hereinabove, are not minor offences so that he is not to be retained in custody, but the crimes are of heinous nature and such crimes, by no stretch of imagination, can be regarded as jejune. Such cases do create a thunder and lightening having the effect potentiality of torrential rain in an analytical mind. The law expects the judiciary to be alert while admitting these kind of accused persons to be at large and, therefore, the emphasis is on exercise of discretion judiciously and not in a whimsical manner."*

7.4 Furthermore, a three-Judge Bench of the Hon'ble Supreme Court in ***Brijmani Devi v. Pappu Kumar & Anr. [(2022) 4 SCC 497]****, drawing upon the seminal observations of Krishna Iyer, J. in* ***Gudikanti Narasimhulu v. Public Prosecutor [(1978) 1 SCC 240]****, reaffirmed that while personal liberty under Article 21 is invaluable, bail discretion must rationally inquire into antecedents to prevent habitual offenders from*

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exploiting judicial leniency to inflict further crimes on society. The relevant part of ***Brijmani Devi*** *(supra) reads thus:*

> *"21. Before proceeding further, it would be useful to refer to the judgments of this Court in the matter of granting bail to an accused as under:*
>
> *a) In Gudikanti Narasimhulu (supra), Krishna Iyer, J., while elaborating on the content and meaning of Article 21 of the Constitution of India, has also elaborated the factors that have to be considered while granting bail which are extracted as under:*
>
> > *"7. It is thus obvious that the nature of the charge is the vital factor and the nature of the evidence also is pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.*
> >
> > *8. Another relevant factor is as to whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being.*
> >
> > *9. Thus the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record - particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further about the criminal record of a defendant, is therefore not an exercise in irrelevance.*
> >
> > *xxx xxx xxx"*

8. Relying upon these principles, Hon'ble Supreme Court has time and again directed for mandatory disclosure of criminal antecedents/ previous criminal involvements across all stages of bail adjudication. In ***Munnesh v. State of Uttar Pradesh*** *[SLP (Crl.) No. 1400/2025, Order dated 03.04.2025], the Hon'ble Supreme Court took stern note of a growing trend where individuals seeking bail or protection from arrest omitted their involvement in other criminal cases, effectively taking the court for a ride. The Apex Court categorically directed that every individual approaching it must mandatorily disclose in the Synopsis of their petition whether they possess clean antecedents and in case they do not, specify their pending cases, declaring that any incorrect disclosure would itself constitute an independent ground for dismissal. The relevant part of* ***Munnesh*** *(supra) is as follows:*

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> *"11. However, before parting, we consider it necessary to dwell on one aspect. A growing trend is being noticed of individuals, seeking from this Court the concession of bail or concession of protection from arrest, not disclosing in the special leave petitions their involvement in other criminal cases. In such cases where involvement is not disclosed, on a prima facie satisfaction that long incarceration without reasonable progress in the trial is invading the right to life of the accused or that the offences for which the FIR has been registered are not too serious, notices are issued and only thereafter, information of criminal antecedents is being provided in the counter affidavits filed by the respective respondents-States, as in the present case. The result is that this Court, being the apex court of the country, is being taken for a ride. This Court has shown leniency in the past but we think it is time that such state of affairs is not allowed to continue further. 12. We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/sessions courts declining prayers under Sections 438/439 of the Code of Criminal Procedure, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition."*

8.1 Pertinently, reaffirming this stance, the Hon'ble Supreme Court in ***Firoj @ Farhu v. State of Rajasthan, 2025 Law Finder (SC) 6689****, dismissed a bail petition without delving into the merits, strictly because the petitioner had asserted a clean record despite having multiple pending cases subsequently exposed by the counter-affidavit filed by the State/prosecution. The relevant part of* ***Firoj @ Farhu*** *(supra) reads thus:*

> *"2. Failure to disclose past antecedents or withholding of information about the criminal cases pending against the petitioner/accused is a ground, in itself, to reject the prayer for grant of bail, as withholding of such relevant information would amount to abuse of process."*

8.2. This position was further fortified in ***Zeba Khan v. State of Uttar Pradesh & Ors. [2026 AIR SC 1006]****, wherein the Hon'ble Supreme Court emphasized that applicants are under a solemn obligation to make a candid disclosure, inter alia, of criminal antecedents, prior bail rejections, and coercive processes such as non-bailable warrants or proclamations, as non-disclosure strikes at the very root of criminal justice administration. The relevant part of* ***Zeba Khan*** *(supra) reads thus:*

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> *"42. It has been consistently emphasised by this Court that an accused or applicant seeking bail is under a solemn obligation to make a fair, complete and candid disclosure of all material facts having a direct bearing on the exercise of judicial discretion. Any suppression, concealment or selective disclosure of such material facts amounts to an abuse of the process of law and strikes at the very root of the administration of criminal justice.*
>
> *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."*

9. Moreover, Rule 5 of Chapter 1-A(b), Volume-V of the High Court Rules and Orders of the Punjab and Haryana High Court explicitly dictates that in every bail application presented before the High Court, the applicant shall state whether a similar application has been made before the Supreme Court, and shall mandatorily mention whether he or she is or was involved in any other criminal case, along with full particulars and decisions thereof. Rule 5 (supra) reads thus:

> ***"5. Bail applications**.-In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information."*

10. Ergo, an application/petition for grant of bail, that deliberately conceals or misrepresents criminal antecedents/ previous criminal involvements, seeks to misdirect the assessment of the court and subvert the cause of justice. By presenting a sanitized (or less aggravating) version of his/her past, the bail applicant/petitioner attempts to manufacture a favourable judicial assessment out of an unlawful misrepresentation, attempting to turn the court's equitable discretion into an instrument of deception. A bail applicant/petitioner who deliberately poisons the stream of justice at its source, by putting up false/misleading statement as to his/her criminal antecedents/ previous criminal involvements, forfeits the

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locus standi to be heard on merits, as no right to discretionary relief can arise from a dishonest foundation, and the court must shut its doors in limine.

11. Pertinently, the consequences of non-disclosure of completely correct criminal antecedents/ previous criminal involvements apply with significantly heightened severity to an application/petition for anticipatory bail, when contrasted with regular bail application/petition under Section 439 CrPC (Section 483 BNSS). An incarcerated accused seeking regular bail often faces structural constraints in the form of severe communication barriers, restricted access to documents and reliance on third-party pairokars. Conversely, an applicant seeking pre-arrest bail enjoys unfettered personal liberty, possessing direct, unhindered access to legal counsel, case files, and public records. Furthermore, an application/petition for anticipatory bail is personally backed by a sworn affidavit executed directly by the petitioner. A false statement or deliberate omission regarding criminal antecedents/previous criminal involvements in this context transitions the petition from mere procedural non-disclosure to active perjury. Consequently, suppression in anticipatory bail applications cannot be brushed aside as an inadvertent clerical oversight; it represents a deliberate attempt to manipulate judicial proceedings while remaining beyond the immediate reach of custody.

12. Ergo, allowing a litigant who suppresses material facts to have their case evaluated on merits; after the suppression is exposed by the prosecution; undermines judicial efficiency and encourages dishonest litigation tactics. If the only consequence of non-disclosure is an adverse inference during merits review, dishonest litigants face no real downside to withholding information, as they lose nothing by taking a chance on deceiving the court. Dismissal on the sole ground of suppression establishes a crucial deterrent, sending an unequivocal signal that clean hands are an absolute prerequisite for equitable relief.

13. Pertinently, this growing trend of making false/misleading statements, particularly with regard to criminal antecedents/previous criminal involvements, is a malady that must be detested by this Court, as it strikes at the very root of judicial propriety. To permit a litigant to take court of law for a ride, is to invite judicial anarchy. The judicial time is a precious public resource, and its diversion into the redundant channels of repetitive pleas is a vexatious abuse of process.

An individual seeking an equitable relief, while concealing pertinent aspect, clandestinely mocks the process of court. Ergo, the omission exposed is to be considered a deliberate, unpardonable subversion of the rule of law. It is necessary to detest such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the

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> *process of law and Courts. The sanctity of the judicial process will be seriously eroded if such attempt(s) is not responded with necessary firmness. A litigant who misuses the process of law or take liberties with the truth should be left in no doubt about the consequences to follow. Others should be discouraged not to venture along the same path in the hope or on a misplaced expectation of judicial leniency or indulgence. Exemplary costs, in such a situation are inevitable and necessary, so as to ensure that in litigation, as in the law which is rather practiced in our Country, there is no premium on the truth. Such misleading plea(s) which are deficient in any reasonability have to be construed as trifling with the Courts and the process of justice. Pertinently, such vexatious and virulent attempt(s) by unscrupulous elements, aimed at misusing the process of law and Courts, ought to be detested. Accordingly, costs, which ought to be veritable and real time in nature, to be imposed upon such litigant."*

6. Reverting to the facts of the petition in hand, it is absolutely clear that the petitioner has deliberately concealed his antecedents. The status report *(ibid)* filed by the State reflects that the petitioner is involved in 7 other FIRs and is a proclaimed offender in all of them. No explanation *nay* plausible explanation is coming forth, even at this juncture, as to why the petitioner has concealed antecedents in the form of 7 pending FIRs, wherein the petitioner has been declared as a proclaimed offender. These circumstances, when considered cumulatively, leave no room for hesitation for this Court to hold that there has been material and deliberate suppression of the antecedents of the petitioner in the petition in hand. Once the petitioner has approached this Court by withholding the material facts, he cannot claim the discretionary relief for grant of anticipatory bail. In such circumstances, this Court considers it unnecessary to enter into a detailed examination of the merits of the allegations or to record any finding on the evidentiary value of the material collected by the investigating agency. The merits of the prosecution case are, accordingly, left open for consideration by the competent Court at the appropriate stage.

7. In view of the prevenient ratiocination, it is ordained thus:

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(i) The petition in hand is devoid of merits and is hereby dismissed with costs of ₹50,000/-, which shall be deposited by the petitioner with Chief Judicial Magistrate (CJM), Faridkot, within four weeks from today. In case such costs are deposited; CJM, Faridkot shall have the same remitted to District Bar Association, Faridkot. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Faridkot is directed to intimate the Deputy Commissioner, Faridkot who shall have such costs recovered from the petitioner by employing all lawful means including as arrears of land revenue and upon realization thereof, the Deputy Commissioner, Faridkot shall have the same submitted to CJM, Faridkot, for further remittance thereof to District Bar Association, Faridkot. A compliance report be sent by CJM, Faridkot as also Deputy Commissioner, Faridkot, to this Court accordingly.

(ii) Registry is directed to transmit a copy of this judgment to CJM, Faridkot as also Deputy Commissioner, Faridkot for requisite compliance.

(iii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iv) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

September 21, 2026
Naveen

Whether speaking/reasoned: Yes

Whether reportable: Yes

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