IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107 CRM-36362-2026 in/&
CRM-M-47220-2026 (O&M)

Kaushalya Rani
....Petitioner
V/s
Union of India thr. the office of Narcotics Control Bureau
....Respondent

Date of decision: 03.09.2026

Date of Uploading : 07.09.2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Saksham Dudeja, Advocate for the petitioner.

Mr. Rajiv Sharma, Special Public Prosecutor (NCB) with
Ms. Indu Bala Sharma, Advocate &
Mr. Amrit Kashyap, Advocate for the respondent –NCB.

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SUMEET GOEL, J.

1. Present petition (hereinafter referred to as '*petition in hand*') 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 Crime No. 27 dated 23.12.2025, registered under Sections 8, 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, with the Narcotics Control Bureau, Chandigarh/Sahnewal, Ludhiana.

2. Shorn of non-essential details, the relevant factual *milieu* of the *lis* in the *petition in hand* is adumbrated thus:

(i) The genesis of the case lies in the alleged recovery of 117.61 grams of heroin stated to be effected from co-accused — Manjeet Kaur. During the course of investigation, co-accused — Manjeet Kaur is stated to have made a disclosure statement implicating the petitioner (herein), alleging that the contraband in question had been procured from her. The prosecution has also relied upon the call detail records (CDR) and other material allegedly indicating contact between the petitioner and the co-accused.

(ii) Upon rejection of her plea for grant of anticipatory bail by the learned Special Judge, Ludhiana, vide order dated 01.06.2026, the petitioner (herein) has approached this Court by way of the *petition in hand*.

(iii) The petitioner, while describing her antecedents in the *petition in hand*, has specifically stated as under:

> *"12. That the petitioner is first time offender and there is no other case registered against him under either the provisions of the NDPS Act or under any other section of Indian Penal Code expect the present one. His whole life is at stake due to the alleged false implication.*
> *As per of Instructions regarding NDPS Act*
> *(a) Whether the Petitioner is/was accused in any other case(s) registered against him anywhere in India? IN case it is so, update status of the proceedings in the case(s). – No*
> *(b) If the petitioner is on bail in any case(s) pending against him or sentence awarded to him in any other case(s) has been suspended specific mention is required to be made3. – No*
> *(c) Number and title of any other pending case(s) against the Petitioner in the Court where such a case/petition is moved, should be mentioned – No.*
> *(d) Whether he has ever been declared proclaimed offender in any case or not? - No"*

(iv) At the time of preliminary hearing on 24.08.2026, learned counsel appearing for the respondent - NCB had raised a specific objection that the petitioner had not disclosed his complete antecedents inasmuch as she is involved in other FIR(s), whereupon the following order was passed:

> *"At this juncture, learned Special Public Prosecutor (NCB), on instructions, submits that the petitioner (herein) is involved in multiple other cases, but he has not disclosed them.*

Respondent – NCB is directed to file reply; especially qua antecedents of the petitioner.

List on 03.09.2026.

Be taken up in the urgent cause list. ”

(v) The respondent-NCB has moved an application (No.CRM-36815-2026) seeking to place on record its reply to the *petition in hand*. The said reply, while delineating the antecedents of the petitioner, reflects thus:

“2. That the petitioner is a habitual offender and number of cases had been already registered against the petitioner. The details of the same are as under:

S.No.	*Particulars*
1	*FIR No.365/2017 NDPS Act P.S. Sidhuwa Bet*
2	*FIR No.83/2023 NDPS Act P.S. Sadar Jagraon*
3	*FIR No.64/2017 NDPS Act P.S. Sidhuwa Bet*
4	*FIR No.07/2025 P.S. City Jagraon*

(vi) The petitioner has now sought to amend the *petition in hand* by way of miscellaneous application bearing No. CRM-36362-2026 whereby she has disclosed being involved in other cases/FIR(s).

It is in the aforesaid factual *milieu* of the case in hand, the petitioner has approached this Court by way of the *petition in hand*.

Rival submissions

3. Learned counsel for the petitioner, while responding to the objection raised by learned counsel for the NCB on the preceding date with regard to non-disclosure of the antecedents of the petitioner, has iterated that the same was neither intentional nor with any oblique motive. According to learned counsel, the petitioner did not deliberately seek to mislead this

Court or to derive any undue advantage by withholding any material fact. Immediately upon the objection being raised by the respondent - NCB at the preliminary stage, the petitioner has filed an appropriate application seeking amendment of the *petition in hand* and has disclosed the other FIR(s) having been registered against the petitioner. It has been further contended that the subsequent disclosure, by itself, demonstrates the *bona fide* of the petitioner and reflects that there was no intention on part of the petitioner to suppress any material fact from this Court.

3.1 As regard the merits of the case, learned counsel for the petitioner has contended that the petitioner has been falsely implicated into the FIR in question as she was neither nominated in the FIR nor was she present at the place of recovery. It has been further contended that no recovery whatsoever has been effected from the petitioner and her name surfaced only during the course of investigation on the basis of disclosure statement of the co-accused – Manjeet Kaur. According to learned counsel, the alleged recovery of 117.61 grams of heroin has been effected from co-accused — Manjeet Kaur, who has already been granted the concession of regular bail by the learned Special Court vide order dated 04.02.2026. Learned counsel has also contended that upon completion of investigation, challan has been presented before the competent Court of jurisdiction. More so, no further recovery is likely to be effected particularly when the alleged contraband has already been recovered from the co-accused and, thus, the custodial interrogation of the petitioner is not required in the factual *milieu* of the *petition in hand*. Moreover, the petitioner has no intention of evading the process of law and, thus, no useful purpose would be served by sending her behind the bars.

On the strength of these submissions, the grant of anticipatory bail is entreated for.

4. In *oppugnation*, learned counsel appearing for the respondent – NCB has opposed the petition in hand by arguing that the petitioner has not approached this Court with clean hands. Referring to reply filed on behalf of the respondent-NCB, learned counsel has pointed out that the petitioner is not a first time offender as she is involved in 04 other cases which *prima facie* reflect her continued involvement in criminal activities. On merits, learned counsel has contended that the allegations against the petitioner are serious in nature and relate to recovery of commercial quantity of heroin weighing 117.61 grams from co-accused Manjeet Kaur. According to learned counsel, name of the petitioner has surfaced during the course of investigation on the basis of the disclosure made by the co-accused. It has been further contended that the prosecution has relied upon the CDRs showing contact between the petitioner and the other accused persons which require proper investigation and cannot be brushed aside at this stage. Furthermore, the custodial interrogation of the petitioner is necessary to ascertain the source of procurement of the contraband, identify other persons involved in the narcotics network and unearth the entire chain of supply. On the strength of these submissions, the dismissal of the *petition in hand* is prayed for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

Prime Issue

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?

<u>Analysis (re: law)</u>

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 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 are not collateral details or mere procedural formality; it constitutes one of the major factors, if not the only factor; while adjudicating a plea for bail. While considering bail petition(s), *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 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 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:

> *"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:

> *"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 *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 is at freedom thereby possessing direct 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 his/her case evaluated on merits; *moreso,* after the suppression is exposed by the prosecution; undermines judicial efficiency and encourages dishonest litigation tactics. If the only consequence of non-disclosure of *criminal antecedents/previous criminal involvements* is taking of an adverse inference by the court while considering such bail plea on merits thereof, the dishonest litigants (resorting to such practise) face no real downside to withholding or giving misleading/incomplete information as they lose

nothing by taking a chance on deceiving the court. Thus, dismissal on the *sole* ground of suppression of material facts, in particular *criminal antecedents/previous criminal involvements,* establishes a crucial deterrent, sending an unequivocal signal that approaching the court with clean hands is 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 misleading 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. 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, ought to be imposed upon such litigant.

Analysis (re: facts of the present case)

14. Reverting to the facts of the *petition in hand*, it is absolutely clear that the petitioner has not approached this Court with clean hands, inasmuch as, she has not disclosed her antecedents in the shape of the following cases:

S.No.	*Particulars*
1	*FIR No.365/2017 NDPS Act P.S. Sidhuwa Bet*
2	*FIR No.83/2023 NDPS Act P.S. Sadar Jagraon*
3	*FIR No.64/2017 NDPS Act P.S. Sidhuwa Bet*
4	*FIR No.07/2025 P.S. City Jagraon*

By way of the application (CRM-36362-2026), seeking amendment/modification of the petition in hand, the petitioner has now sought to disclose her antecedents though only after raising objection by the learned counsel for the respondent-NCB at the preliminary stage itself but has still not given any explanation *nay* plausible explanation as to why said antecedents were not disclosed earlier. There is no explanation forthcoming as to how the petitioner could describe herself as a first-time offender when, according to the material subsequently placed before the Court by way of an application by respondent - NCB, she was involved in other criminal cases. More so, the absence of any satisfactory explanation assumes greater significance because the original petition was filed along with an affidavit of the petitioner herself. A statement made on oath before the Court cannot subsequently be diluted merely by filing an application seeking amendment after the prosecution has pointed out the omission. The subsequent disclosure does not efface the fact that when the petitioner had initially invoked the jurisdiction of this Court, a material fact concerning her antecedents had not been disclosed. Suppression of material facts, particularly when accompanied by an affidavit of the petitioner, strikes at the *bona fides* of the litigant and itself constitutes a serious circumstance disentitling the petitioner to a discretionary relief. The present case, therefore, is not one of a mere technical omission and the subsequent disclosure has been made only after the objection raised by the respondent-NCB. Even thereafter, no plausible explanation has been furnished by the petitioner for the non-disclosure of her antecedents in the first instance. 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.*

Ergo, once the petitioner has approached this Court by withholding the material facts (as to her *criminal antecedents/previous criminal involvements*), she has forfeited her entitlement for equitable relief in the form of pre-arrest bail. *Consequently,* in view of the same, this Court considers it neither necessary nor duty bound 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 so far by the investigating agency. *Ergo,* the *petition in hand* ought to be dismissed on this score alone.

Decision

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

(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), Ludhiana, within four weeks from today. In case such costs are deposited; CJM, Ludhiana shall have the same remitted to Punjab State Legal Services Authority, Mohali. In case, the said costs are not deposited by the petitioner as directed for; the CJM, Ludhiana is directed to intimate the Deputy Commissioner, Ludhiana 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, Ludhiana shall have the same submitted to CJM, Ludhiana, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, Ludhiana as also Deputy Commissioner, Ludhiana, to this Court accordingly.

(ii) Registry is directed to transmit a copy of this judgment to CJM, Ludhiana as also Deputy Commissioner, Ludhiana 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 03, 2026
Ajay/Mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No