

In Chamber

Case :- CRIMINAL MISC. BAIL CANCELLATION APPLICATION No. - 114 of 2022

Applicant :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Home, Civil Sectt. Lko.

Opposite Party :- Mohd. Rizwan @ Raziwan

Counsel for Applicant :- G.A.

Counsel for Opposite Party :- Parmanand Gupta

Hon'ble Dinesh Kumar Singh,J.

1. The matter has been taken up through Video Conferencing from Allahabad.
2. Heard Sri Ashwani Kumar Singh, learned AGA for the State-applicant as well as Sri Manoj Kumar, holding brief of Sri Parmanand Gupta, learned counsel for the accused-respondent and perused the record.
3. The present application under Section 439(2) Cr.P.C. has been filed seeking cancellation of the order dated 22.3.2022 enlarging the accused-applicant on bail passed in Criminal Misc. Bail Application No.2830 of 2022 in Case Crime No.501 of 2020, under Sections 379, 411, 412, 413, 414, 419, 420, 467, 468, 471, 484 and 120-B IPC, Police Station Gomti Nagar, District Lucknow.
4. Sri Parmanand Gupta, learned counsel for the accused-respondent deliberately styled the Criminal Misc. Bail Application No.2830 of 2022 as the first bail application and, therefore, it got listed before the Court which was dealing with the subject matter. If the correct and true facts would have been mentioned that it was the second bail application inasmuch as the first bail application got rejected by this Court vide order dated 19.2.2021 passed in Criminal Misc. Bail Application No.10872 of 2022, the Criminal Misc. Bail Application No.2830 of 2022, in which the accused-applicant has been ordered to be enlarged on bail, would have been listed before this Bench and the alleged first bail application would get rejected by this Bench.
5. Having noticed this fact that Sri Parmanand Gupta, learned counsel for the accused-respondent had played tricks to obtain a favourable order by styling the second bail application as the first bail application, the State has filed the present application for cancellation of bail granted to the accused-respondent.
6. This Court on 2.11.2022 taking note of the misleading facts having been

mentioned in the bail application, passed the following order:-

“1. Heard Sri Rao Narendra Singh, learned AGA for the State.

2. Notice on behalf of accused-respondent, Mohd. Rizwan @ Raziwan, has been accepted by Sri Parmanand Gupta, the counsel who obtained bail from this Court vide order dated 22.3.2022 in Criminal Misc. Bail Application No.2830 of 2022.

3. Earlier this Court vide a detailed order dated 19.2.2021 passed in Criminal Misc. Bail Application No.19872 of 2020 had rejected the bail application of the accused-respondent.

4. Sri Parmanand Gupta, learned counsel for the accused-respondent without disclosing the fact that earlier the High Court had rejected the bail application of the accused-respondent by misleading the Court, obtained the bail of the accused-respondent from another Bench. He had obtained several similar orders by concealing the material aspect of the matter that earlier another Bench of this Court had rejected the bail application of the accused persons. This is not the solitary case in which Sri Parmanand Gupta had grossly misconducted himself against the Bar Council Rules, professional ethics and unbecoming of the officer of the Court. Therefore, prima facie, he is guilty of playing fraud with the Court and interfering in the course of justice by misleading the Court by concealing the very material fact of rejection of the bail by another Bench for obtaining favourable orders in favour of the accused. He has made efforts to pollute the stream of justice by his highly unprofessional conduct.

5. In view thereof, the Court is of the opinion that Sri Parmanand Gupta, Advocate, has, prima facie, committed contempt of this Court by concealing the material aspect of the matter and by misleading the Court obtained favourable order(s) of bail in respect of the accused-respondent.

6. Sri Parmanand Gupta, Advocate, is therefore, issued show cause notice that why he should not be proceeded with for committing the contempt of this Court and his entry to the High Court be barred in order to protect the dignity and integrity of the High Court. He is granted two weeks' time to file reply to the show cause notice.

7. Since the order dated 22.3.2022 passed in Criminal Misc. Bail Application No.2830 of 2022 was obtained by playing fraud, concealing the earlier order rejecting the bail application of the accused-respondent and misleading the Court, the order dated 22.3.2022 is kept in abeyance till further orders.

8. The State is directed to arrest the accused-respondent forthwith, if he has been released on bail and put him behind bar.

9. List this bail application on 17.11.2022 “

7. Considering the fact that the order dated 22.3.2022 was obtained on misrepresentation/false facts that this was the first bail application, the order dated 22.3.2022 passed in Criminal Misc. Bail Application No.2830 of 2022 enlarging the accused-respondent, Mohd. Rizwan @ Raziwan in the aforesaid case crime number, is hereby cancelled. He shall be taken into custody forthwith, if already not arrested.

8. In view of the facts narrated above, Sri Parmanand Gupta, Advocate, has,

prima facie, conducted himself against the Bar Council Rules, professional ethics, contemptuous manner and he has played fraud with the Court and also interfered with the course of justice by misleading the Court as he concealed the material fact regarding rejection of the first bail application by this Bench. The Court has noted that this is not the solitary case where Sri Parmanand Gupta, Advocate, had adopted the said course of action of concealing and misleading the Court.

9. In view thereof, the Court is of the opinion that Sri Parmanand Gupta, Advocate, has, prima facie, committed the Contempt of this Court.

10. Let suo motu criminal contempt proceedings be drawn against Sri Parmanand Gupta, Advocate. Registry to take follow up action in the matter.

11. Let all these orders form part of the contempt proceedings to be drawn against Sri Parmanand Gupta, Advocate.

12. With the above noted terms, the bail cancellation application stands ***allowed***.

Order Date :- 9.2.2023

Rao/-