

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3762-2022
Reserved on: 11.02.2022
Pronounced on: 24.02.2022

Pawan @ Pandit @ Mahavir ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Yogesh Kumar, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections as per charges framed against the petitioner
432	25.09.2019	Sadar Sonapat	120-B, 302, 307, 34 of IPC and 25 of the Arms Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. As per bail application and the response of the State, the petitioner has following criminal history:

Sr. No.	FIR No.	Year	Offences	Police Station
1.	411	2011	323/341/ 452/ 506/ 34 IPC	_____
2.	202	2011	308/34 IPC and 25/27 of Arms Act	Mundka
3.	270	2011	382/411/34 IPC	Rohini
4.	45	2012	392/34 IPC	Sultanpuri
5.	61	2012	392/397/34 IPC	Narela
6.	57	2012	395/397/411/34 IPC	Narela
7.	85	2012	392/397/34 IPC	Bawana
8.	26	2012	392/397/411/34 IPC	Begampur
9.	204	2012	394/397/34 IPC	Begampur
10.	24	2012	302 IPC and 25 of Arms Act	Kanjhawala
11.	943	2017	392/397/34 IPC and 25/27 of Arms Act	Shahbad Dairy
12.	24	2019	25/54/59 of Arms Act	Bawana
13.	03	2019	307/120-B/34 IPC and 25/27 of Arms Act	Bawana

3. Ld. Counsel for the petitioner contends that the custodial investigation would serve no purpose whatsoever, and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. The contention on behalf of the State is that the petitioner is a history sheeter and the present offence is of murder, as such it shall be extremely dangerous to release him on bail.

REASONING:

5. In Paramjeet Singh v. State of Punjab, CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

6. Given the criminal antecedents of the petitioner, if he is released on bail, then it shall put lives and properties of so many innocent persons to grave risk. In the present case also a lady, and a child were murdered and attempt was made on the life of another. The petitioner's past conduct as well the serious allegations in the present case do not entitle him for bail till the completion of the trial. Given above, the petitioner fails to make out a case for bail.

7. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

24.02. 2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.