

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4517-2022
Reserved on: 22.04.2022
Pronounced on: 13.05.2022

Gurjant Singh @ Janta ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anterpreet Singh, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
149	14.12.2019	Payal, Police District Khanna, District Ludhiana	323, 324, 325, 326, 307, 506, 148, 149 IPC and 25, 27 of Arms Act (341, 120-B, 201 and 483 IPC added later on)

- 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 (Cr.P.C) seeking bail.
- In paragraph 19 of the bail application, and paragraph 3 the status report, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	30 (on bail)	09.03.2020	307, 353, 186 IPC and 25 of Arms Act	Mehatpur, District Kapurthala
2.	4 (on bail)	30.01.2020	307, 394 IPC and 25, 27, 54 of Arms Act	Rawalpindi, District Kapurthala
3.	167	04.12.2019	307, 353, 186, 34 IPC and 25, 54, 59 of Arms Act	Mahilpur, District Hoshiarpur
4.	102 (on bail)	12.12.2019	307, 148, 149, 427, 506, 120-B, 201 IPC and 25, 54, 59 of Arms Act	Noormehal, District Jalandhar
5.	185 (on bail)	20.11.2019	379-B and 25, 54, 59 of Arms Act	Sadar Nakodar, District Jalandhar
6.	120 (on bail)	03.12.2019	379-B IPC	Sadar Banga, District SBS Nagar

7.	146 (on production warrant)	07.05.2020	52-A of Prisons Act	City Hoshiarpur, District Hoshiarpur
8.	190 (on production warrant)	27.06.2020	52-A of Prisons Act	City Hoshiarpur, District Hoshiarpur
9.	248 (on production warrant)	17.09.2020	52-A of Prisons Act	City Hoshiarpur, District Hoshiarpur
10.	75 (on bail)	06.05.2016	379-B of IPC	Mehatpur, District Jalandhar
11.	63 (on production warrant)	2020	379-B of IPC	Sadar Banga, District SBS Nagar

3. The incident pertains to 13.12.2019, when the injured Hardeep Singh was waylaid by accused party, where Yadwinder Singh fired from his pistol, which he was carrying and other persons brutally gave beatings to him with gandasa, kirch etc. Due to the injuries, the victim became unconscious and was taken to hospital. On 14.12.2019, the doctor declared him fit to make a statement. He disclosed about the incident as mentioned above.

4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. While opposing the bail, Ld. counsel representing the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

6. 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.

7. As per status report dated 07.03.2022, the complainant had identified the petitioner. Thus, given above, the petitioner is equally liable for all the injuries sustained by the victim because he has been arraigned as accused under Sections 148, 149 read with Section 120-B IPC. Furthermore, a perusal of the petition does not refer to any

avermment based on which this court is assured that if this recidivist is released on bail, then he shall not indulge in criminal behavior.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage. However, it shall be open for the petitioners to file new bail application(s) in changed circumstances or after recording the statements of witnesses other than official and formal witnesses, whichever is earlier. If the statements mentioned above are not recorded within six months, the petitioner may file a fresh bail petition on the grounds of prolonged custody. The dismissal of this petition shall not come in the way while considering the fresh petition(s).

9. 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

13.05.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.