

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7659-2022
Reserved on: 09.08.2022
Pronounced on: 14.09.2022

Manjit Singh @ Manna and another ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Amit Arora, Advocate for the petitioners.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Vikas Gupta, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
05	04.01.2022	Sirhali, District Tarn Taran	307, 506, 148, 149 IPC and Sections 25 & 27 of Arms Act

1. The petitioners apprehending arrest in the FIR captioned above had come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail. Vide order dated 27-04-2022, this court had granted interim bail to the petitioners, which is continuing till date.

2. In paragraph 15 of the bail application, the accused declares the following criminal antecedents:

Petitioner No.1-Manjit Singh

Sr. No.	FIR No.	Dated	Offences	Police Station
1	21	18.02.2020	21 & 29 of NDPS Act	Sirhali, District Tarn Taran

Petitioner No.2-Bhag Singh

Sr. No.	FIR No.	Dated	Offences	Police Station
1	58	20.04.2015	307, 324, 323, 295, 341, 427 & 34 IPC and Sections 25/27 of Arms Act	Sirhali, District Tarn Taran

3. On Jan 4, 2022, a gang, of which the petitioners were allegedly members, fired upon the victims, and the shots hit the headlight and body of the bike. Both the petitioners were allegedly armed with pistols.

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. The contention of behalf of the complainant is that the petitioners are habitual offenders and there would be justification to grant them 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. Paragraphs 3 of the reply filed by the State reads as follows,

“3. That the true facts leading to the present case are that one Kulbir Singh son of Daljit Singh, resident of village Chambal, District Tarn Taran got recorded his statement before the investigating officer to the effect that on 04.01.2022, at about 07:45 PM, he alongwith Ravinder Singh son of Kulwinder Singh, resident of village Chambal were going from their village to Behek on motorcycle Platina and when both of them reached on the bridge over the canal then, Manpreet Singh @ Manna son of Ranjit Singh armed with Pistol, Jarman Singh son of Ranjit Singh armed with Pistol, Manjit Singh @ Manna i.e. petitioner No.1 armed with Pistol, Bhag Singh @ Raju i.e. petitioner No.2 armed with Pistol, Ranjit Singh son of Swaran Singh, residents of village Chambal and 2/3 more identified persons were standing and they with the intention to kill them fired gunshots directly upon them which hit on the Petrol Tank and Head Light of motorcycle and they fell down and the accused persons kept on

raising lalkaras loudly and they raised hue and cry and then, thereafter leaving their Car bearing No. PB46-Y-7840 and one more motorcycle No.PB46 AD-0922 at the spot fled away while giving threatening to kill. The reason behind the incident is that they are already having cases pending between them and because of that grudge only the aforesaid persons in connivance with each other with the intention to kill them have fired gunshots directly upon them and in the regard, case FIR No.05 dated 04.01.2022, under section 307/506/148/149 of IPC & 25/27 of the Arms Act has been registered at police station Sirhali, District Tarn Taran against the petitioners as well as aforesaid accused persons. It is submitted that during the course of investigation, the offence under section 3/4 of the SC/ST Act has been enhanced in the present case vide DDR No.22 dated 08.01.2022.”

8. The allegations against the petitioner are grave and serious. They took advantage of their previous bails and continued criminal activities. In the present case there is sufficient prima facie evidence pointing towards their involvement and they are not entitled to anticipatory bail.

9. Any observation made hereinabove is neither an expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

Petition dismissed in aforesaid terms. All interim orders granting bail stand vacated.

All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

14.09.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.