

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10455-2022
Reserved on: 01.04.2022
Pronounced on: 27.04.2022

Amit Kataria @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
18	06.02.2020	Sadar Rewari,	307, 34 IPC and 25 of Arms Act (148, 149, 302, 120-B IPC added later on)

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 (Cr.P.C) seeking bail.

2. In paragraph 15 of the bail application, as well as the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1.	744	16.11.2015	148, 149, 323, 325, 542, 506 IPC	Sector 10-A, Gurugram
2.	481	19.11.2017	323, 251, 506, 34 IPC and 25 of Arms Act	Kherki Daula, District Gurugram
3.	1352	23.07.2019	302, 120-B, 34 IPC and 25 of Arms Act	Shivaji Nagar, Gurugram
4.	346	2019	399, 402 IPC and 25 of Arms Act	Kherki Daula, District Gurugram
5.	235	21.08.2020	302, 307, 148, 149, 216 IPC and 25 of Arms Act	Sector 9A, Gurugram
6.	251	08.10.2020	186, 353, 307, 34 IPC and 25 of Arms Act	SPL Cell, Delhi

3. The case against the petitioner is that he is the mastermind and hatched a conspiracy to take revenge of the murder of his accomplice Sanju at the instance of Hari

Om. He roped in other assailants and he monitored the acts from a different place. Resultantly, the assailants killed Lalit alias Mony.

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. The allegations are of well thought out criminal conspiracy hatched by the petitioner. Ld. counsel for the State contended that when the petitioner was granted interim bail, during that period he has been named as accused in a case of triple murder. A perusal of the petition does not refer to any averment 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.

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

27.04.2022
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.