

CRM-M-11677-2022

211IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11677-2022
Decided on: 08.04.2022

Vijay Kumar Jha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lekh Raj Nanda, Advocate for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Mr. Ravin Kumar-complainant in-person.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
506	15.09.2021	Sampla, District Rohtak, Haryana	406 & 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. As per paragraph 15 of the bail applicationthe petitioner states that no case is pending against him; however this declaration is contradicted by the State, as per which the petitioner has criminal antecedents.
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. Ld. counsel appearing for the State contends that the petitioner has indulged in cheating and thuggee is raising its ugly head, and it’s the time to nip the evil in the bud. The contention of behalf of the complainant is that he took his mobile because he was his friend, and transferred a sum of RS. 5,65,000/- and 1,15,000/- from his account.

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

CRM-M-11677-2022

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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included.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. The petitioner took advantage of the innocence of his gullible friend and without his consent transferred a huge amount. Thus, he is not entitled to bail at this stage. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner. Without commenting on the case's merits, 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.

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 interim orders granting bail stand vacated.

All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

08.04.2022
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.