

CRM-M-17533-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17533-2022
Reserved on: 05.05.2022
Pronounced on: 12.05.2022

Gursharanjit Singh @ Sunny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. H.S. Saggu, Advocate for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	02.08.2021	City Moga, District Moga	379-B IPC (411, 473 IPC and Sections 25/54/59 of Arms Act added later on)

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, came up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.

2. In paragraph 14 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1	63	10.10.2016	302, 323, 148 & 149 IPC	Khalra, District Tarn Taran

3. The petitioner had been arrested on the allegation of snatching of car.
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 Maulana Mohd Amir Rashadi v. State of U.P., (2012) 3 SCC 382, Hon'ble

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Supreme Court holds,

[10] It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.

7. 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.

8. The petitioner had filed a similar petition bearing number CRM-M-773-2022, which was dismissed by this Court on 18.01.2022, on the ground of criminal history. After that the petitioner had filed the present bail petition by drawing attention and has annexed supplementary statement of one Harpal Singh (Annexure P-2). A perusal of the statement of Harpal Singh, reveals that he had named all the five persons as Harpreet Singh @ Happy, Ranjit Singh @ Rana, Ajay Pal Singh @ Ajay, Gursharanjit Singh @ Sunny and Satnam Singh. Thus he named the petitioner as one of those five persons. Consequently, given this supplementary statement, criminal history of the petitioner is being considered at this stage. In the entirety, the petitioner fails to make out a case for bail.

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 is dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

12.05.2022
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Whether speaking/reasoned:	Yes
Whether reportable:	No.