

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-19461-2022  
Reserved on: 21.07.2022  
Pronounced on: 27.07.2022

Sukhwinder Singh @ Binder

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. Sunny Kumar Rajput, Advocate for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                       | Sections          |
|---------|------------|--------------------------------------|-------------------|
| 32      | 21.02.2022 | Basti Jodhewal,<br>District Ludhiana | 379-B and 411 IPC |

1. The petitioner, incarcerating 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 13 of the bail application, the accused declares the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offences              | Police Station           |
|---------|---------|------------|-----------------------|--------------------------|
| 1.      | 144     | 30.06.2021 | 379 IPC               | Basti Jodhewal, Ludhiana |
| 2.      | 90      | 02.04.2016 | 382 and 411 IPC       | Basti Jodhewal, Ludhiana |
| 3.      | 91      | 06.03.2018 | 379 and 379-B (2) IPC | Basti Jodhewal, Ludhiana |
| 4.      | 204     | 04.10.2018 | 379 and 379-B (2) IPC | Daresi, Ludhiana         |
| 5.      | 89      | 07.07.2019 | 379 IPC               | Basti Jodhewal, Ludhiana |

3. On Feb 21, 2022, the petitioner snatched Samsung mobile from the complainant, a girl aged 17-18 years.

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. After snatching her mobile, the brave victim immediately informed the police and gave particulars of the Aactiva and description. Based on such quick input, the police captured the petitioner and recovered the mobile from the pocket of his trouser. Thus, the prima facie evidence connects the petitioner with snatching. He is a history-sheeter with similar cases. 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, he shall not indulge in criminal behavior. Thus, the petitioner is not entitled to any bail at this stage.

8. 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.

9. The SHO of the concerned police station or the investigating officer shall arrange to send a copy of this order, preferably a soft copy, to the complainant and the victim, within a week.

**Petition dismissed in aforesaid terms.** All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)**  
**JUDGE**

**27.07.2022**  
**Jyoti-II**

|                            |     |
|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |