

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21570-2022
Reserved on: 29.07.2022
Pronounced on: 08.08.2022

Sunny ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	25.04.2022	Division No.1, Jalandhar	307, 323, 341, 506, 427 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 Cr.P.C. seeking anticipatory bail.
2. In paragraph 14 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Year	Offences	Police Station
1.	14	2021	323, 341, 427, 506, 34 IPC	Division No.1, Jalandhar
2.	97	2020	323, 341, 427, 506, 34 IPC	Division No.1, Jalandhar
3.	85	2021	323, 341, 506, 148, 149 IPC	Division No.1, Jalandhar

3. The complainant alleged that when alongwith his two friends was returning home on bike, when they were crossing in front of the house of the accused, then the petitioner gave fist blow to his friend due to which the bike fell. After that petitioner Sunny brought a sharp edged datar from his house and gave its blows on his head, shoulder, and right leg. After that he also inflicted injuries on Gagan.
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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included.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 petitioner's contention is that there was a cross-case; however, it was not registered. The next contention is that the victims were not hospitalized even for a day. The allegations against the petitioner are grave and serious. He took advantage of his previous bails and continued to partake in criminal activities. In the present case there is sufficient prima facie evidence pointing towards his involvement and he does not deserve the relief of anticipatory bail.

8. An analysis of the allegations coupled with the previous criminal antecedents; the petitioner's custodial interrogation is required and he does not deserve to be released on anticipatory bail.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case while considering regular bail under section 439 Cr.P.C., if filed, or during the trial.

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

(ANOOP CHITKARA)
JUDGE

08.08.2022
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.