

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-28345-2022  
Reserved on: 21.07.2022  
Pronounced on: 05.08.2022

Satwinder Singh @ Maula ...Petitioner

Versus

State of Punjab ...Respondent

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

Present: Ms. Manjot Kaur, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

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**ANOOP CHITKARA, J.**

| FIR No. | Dated      | Police Station                   | Sections                                                  |
|---------|------------|----------------------------------|-----------------------------------------------------------|
| 21      | 22.01.2022 | Sadar Dhuri,<br>District Sangrur | 153, 186, 307, 323, 332, 341,<br>379B, 506, 148 & 149 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 16 of the bail application, the accused declares 12 cases against him whereas as per State instructions there are seven more cases against the petitioner. Overall petitioner has following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offences                                               | Police Station                    |
|---------|---------|------------|--------------------------------------------------------|-----------------------------------|
| 1.      | 106     | 17.06.2019 | 61 of Excise Act                                       | City Dhuri, District Sangrur      |
| 2.      | 114     | 26.05.2021 | 399, 402 IPC and<br>25 of Arms Act                     | Dirba, District Sangrur           |
| 3.      | 113     | 2015       | -----                                                  | Sherpur, District Sangrur         |
| 4.      | 50      | 22.05.2020 | 61 of Excise Act                                       | Sherpur, District Sangrur         |
| 5.      | 47      | 10.03.2021 | 61 of Excise Act                                       | Dirba, District Sangrur           |
| 6.      | 226     | 11.12.2020 | 279, 337, 338, 427<br>IPC                              | Dirba, District Sangrur           |
| 7.      | 193     | 11.09.2021 | 22 of NDPS Act                                         | Dirba, District Sangrur           |
| 8.      | 123     | 30.05.2017 | 323, 324, 325, 326,<br>307, 109, 120-B,<br>506, 34 IPC | Rama Mandi, District<br>Jalandhar |
| 9.      | 14      | 17.01.2020 | 61 & 78 of Excise<br>Act                               | Sadar Patiala, District Patiala   |
| 10.     | 203     | 01.09.2018 | 21 of NDPS Act                                         | Sadar Khanna, District<br>Khanna  |
| 11.     | 212     | 09.09.2021 | 397, 427, 506 IPC                                      | Garhi, District Jind              |
| 12.     | 105     | 27.11.2021 | 307, 459, 458, 326,<br>325, 324, 323, 201,             | Khannauri, District Sangrur       |

|     |     |            |                          |                       |
|-----|-----|------------|--------------------------|-----------------------|
|     |     |            | 148, 149 IPC             |                       |
| 13. | 124 | 20.11.2021 | 61/78/1/14 Excise Act    | Moonak                |
| 14. | 133 | 12.10.2019 | 61/67/78/1/14 Excise Act | Moonak                |
| 15. | 27  | 19.03.2017 | 379, 34 IPC              | Sadar Barnala         |
| 16. | 184 | 14.09.2017 | 447/511 IPC              | Rama Mandi, Jalandhar |
| 17. | 87  | 24.06.2016 | 22/61/85 NDPS Act        | City Dhuri            |
| 18. | 193 | 21.05.2020 | 61/1/14 Ex. Act          | Sadar Dhuri           |
| 19. | 226 | 22.06.2020 | 61/1/14 Ex. Act          | Sadar Dhuri           |

3. On Jan 22, 2022, the police officials raided the petitioner’s house to arrest him, executing an arrest warrant against him in a case about Excise Act. The petitioner and his family resisted such an arrest. The petitioner allegedly tried to hit the police officials with an iron pipe, whereas the ladies in the house only attacked the police officials.

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 seeks bail on the grounds of parity with the bail granted to the co-accused. Perusing their bail orders reveals that they were granted bail because they were women. Thus, the petitioner is not entitled to bail on the grounds of parity. As far as the petitioner is concerned, instead of surrendering before the police, he provoked the ladies in the house to resist his arrest. He was allegedly armed with an iron pipe. Given the gravity of the allegations, he is not entitled to bail at this stage. He took advantage of his previous bails and continued to appear in criminal activities. There is sufficient prima facie evidence of his involvement, and he is not entitled to bail at this

stage.

8. An analysis of the allegations coupled with the previous criminal antecedents; the petitioner does not deserve to be released on anticipatory bail.
9. 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.
10. Any observation made hereinabove is neither an expression of opinion on the merits of the case while considering regular bail under section 439 CrPC, if filed, or during the trial.

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

(ANOOP CHITKARA)  
JUDGE

05.08. 2022  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.