

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28342-2022
Reserved on: 21.07.2022
Pronounced on: 05.08.2022

Satwinder Singh @ Maula ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Mr. Rajat Gautam, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
212	09.09.2021	Garhi, District Jind	148, 149, 323, 341, 379, 427, 397, 506 IPC (Sections 148, 149, 323, 341, 379 IPC have been deleted in challan)

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 13 of the bail application, the accused declares 12 cases against him, whereas as per State instructions, there are 06 more cases against the petitioner. Overall, the 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 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 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, 307, 109, 120-B, 506, 34 IPC	Rama Mandi, District Jalandhar
9.	14	17.01.2020	61 & 78 of Excise Act	Sadar Patiala, District Patiala
10.	203	01.09.2018	21 of NDPS Act	Sadar Khanna, District Khanna
11.	21	22.01.2022	153, 186, 307, 323, 332, 341, 379B, 506, 148 & 149 IPC	Sadar Dhuri, District Sangrur
12.	105	27.11.2021	307, 459, 458, 326, 325, 324, 323, 201, 148, 149 IPC	Khannauri, District Sangrur
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.	87	24.06.2016	22/61/85 NDPS Act	City Dhuri
17.	193	21.05.2020	61/1/14 Ex. Act	Sadar Dhuri
18.	226	22.06.2020	61/1/14 Ex. Act	Sadar Dhuri

3. The complainant had alleged that on Sep 9, 2021, the 6/7 unknown persons had waylaid him, assaulted him by proclaiming that he did not let those people transport the illicit liquor, and liquor without permit. The complainant was inflicted blows on his waist and shoulders with iron pipe and also damaged his 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 Paramjeet Singh v. State of Punjab, CRM-M 50243 of 2021, this court had 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 allegations against the petitioner are grave and serious. He took advantage of his previous bails and continued to appear in criminal activities. In the present case there is sufficient prima facie evidence pointing towards his involvement and his custodial interrogation is required.

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. 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.