

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33940-2022
Reserved on: 02.09.2022
Pronounced on:14.09.2022

Suraj Kumar Singh @ Sunny

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mohammad Arshad, Advocate for the petitioner.

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

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
434	14.07.2021	City Palwal, District Palwal (Haryana)	395, 397 IPC and 25 of Arms Act (420, 120-B IPC and 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 (Cr.P.C) seeking bail.

2. In paragraph 15 of the bail petition, the accused declares in Annexure P-6 that he has criminal antecedents:

Sr. No.	FIR No.	Year/Dated	Police Station	Sections
1.	427	2019	Hajipur Sadar, Vaishali	302, 34 IPC & 27 of Arms Act
2.	1192	2020	Karthahan, Vaishali	_____
3.	471	30.07.2021	City Palwal, Palwal	399, 402 IPC and Arms Act

3. On July 14, 2021, the Manager of Axis Bank reported dacoity to the tune of Rs. 95,57,705 from the Palwal branch, and after inquiry, members of a criminal gang were found involved, and the petitioner was found to be one of the dacoits, who had

committed the dacoity, and was consequently arrested.

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 of three cases, which he has concealed, 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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included.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. 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, then he shall not indulge in criminal behavior from the petitioner.

8. Ld. Counsel for the petitioner argued that CIA staff had picked up the petitioner on July 27, 2021 and showed his arrest on July 30, 2021, as such it violates Article 22 of the Constitution of India. The petitioner did not refer to any convincing material to point out the prima facie violation of Art. 22, and is not entitled to bail on this ground.

9. Ld. counsel for the State argued that out of the robbed amount of more than Rs.95 Lacs, just 8.8 lacs were recovered.

10. Apart from the other evidence, the recovery prima facie connects the petitioner with the crime. An analysis of the allegations and evidence collected does not warrant the grant of bail to the petitioner.

11. 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.

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

14.09.2022
Jyoti-II

(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:

Yes

Whether reportable:

No.