

106                      **IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CRM-M-33035-2022**  
**Date of Decision: 29.07.2022**

Gurmukh Singh @ Gurmakh Singh                      ...Petitioner

Versus

State of Punjab                      ...Respondent

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

Present:            Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

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**ANOOP CHITKARA, J.**

| <b>FIR No.</b> | <b>Dated</b> | <b>Police Station</b>              | <b>Sections</b>                                                                                        |
|----------------|--------------|------------------------------------|--------------------------------------------------------------------------------------------------------|
| 106            | 01.06.2022   | Sadar Fazilka,<br>District Fazilka | 307, 323, 427, 148, 149, 120-B IPC<br>and Section 25 of Arms Act and<br>Section 325 IPC added later on |

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 7 of the bail application, the accused declares the following criminal antecedents:

| <b>Sr. No.</b> | <b>FIR No.</b> | <b>Date</b> | <b>Offences</b>                                                                                | <b>Police Station</b>               |
|----------------|----------------|-------------|------------------------------------------------------------------------------------------------|-------------------------------------|
| 1.             | 188            | 13.08.2008  | 364, 379, 342, 323, 324, 325, 326, 308, 506, 148, 149 IPC                                      | Sadar Jalalabad, District Ferozepur |
| 2.             | 123            | 24.07.2012  | 307, 427, 148, 149 IPC                                                                         | Sadar Fazilka                       |
| 3.             | 230            | 25.12.2017  | 325, 323, 148, 149 IPC                                                                         | Sadar Jalalabad                     |
| 4.             | 58             | 29.02.2020  | 452, 354-A, 323, 506, 148, 149 IPC                                                             | Sadar Fazilka                       |
| 5.             | 124            | 18.04.2020  | 452, 379, 511, 324, 323, 148, 149, 188 IPC and Section 51 (B) of Disaster Management Act, 2005 | Sadar Fazilka                       |
| 6.             | 358            | 11.10.2020  | 307, 365, 341, 323, 120-B, 148, 149 IPC and Sections 25 & 27 of Arms Act                       | Sadar Fazilka                       |
| 7.             | 330            | 16.09.2020  | 363, 366-A, 420, 120-B IPC                                                                     | Sadar Fazilka                       |

3. The allegations are attempt to murder and under Arms Act.

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 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, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

9. 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 interim orders granting bail stand vacated.**

All pending applications, if any, stand disposed.

**29.07.2022**  
**Jyoti-II**

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

Whether speaking/reasoned:  
Whether reportable:

Yes  
No.