

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35296-2022

Reserved on: 17.08.2022

Date of Pronouncement: 26.09.2022

Somnath @ Monu

...Petitioner (s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. J.S. Thind, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
516	20.8.2021	Azad Nagar Hisar, District Hisar	394, 34 IPC

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail.
2. In paragraph 11 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	306	29.7.2019	380 and 454 IPC	Azad Nagar, Hisar
2.	86	2019	-	Azad Nagar, Hisarv
3.	232	2019	-	Azad Nagar, Hisar
4.	430	27.8.2019	380 and 457 IPC	HTM, Hisar
5.	431	28.8.2019	379-A and 34 IPC	HTM, Hisar
6.	154	2019	457, 380 IPC	Siwani, Bhiwani
7.	329	13.8.2020	454, 380 IPC	Civil Lines, Hisar
8.	636	18.10.2020	379 IPC	City Hisar, Hisar

9.	40	25.1.2021	380, 457 IPC	Adampur, Hisar
10.	422	15.8.2021	379 IPC	City Hisar, Hisar
11.	516	20.8.2021	394, 34 IPC	Azad Nagar, Hisar
12.	536	24.8.2021	379A IPC	Azad Nagar, Hisar
13.	241	2021	380, 454 IPC	Azad Nagar, Hisar
14.	329	2021	379-B, 34 IPC	Civil Lines, Hisar

3. The petitioner and his gang members snatched money from the complainant by intimidating him and putting him under threat of life.

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. 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.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail.

9. 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. All pending applications, if any, stand disposed.

However, the trial Court shall expedite the trial.

(ANOOP CHITKARA)
JUDGE

September 26, 2022
AK

Whether speaking/reasoned:	Yes
Whether reportable:	No.