

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51254-2022
Reserved on: 11.11.2022
Pronounced on: 15.11.2022

Jeeto and others ...Petitioners

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Satnam Singh Gill, Advocate for the petitioners.

Mr. Virat Rana, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
97	08.08.2021	Bhargo Camp, District Jalandhar	379-B, 34, 201 IPC

1. The petitioners, incarcerated upon their arrest in the FIR captioned above, have come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (Cr.P.C.) seeking bail.

2. As per petition, the petitioners have the following criminal history:

PETITIONER No. 1 JEETO:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	165	22.07.2019	379-B, 34, 420 IPC	Focal Point, Ludhiana
2.	67	21.04.2018	379, 420 IPC	P.A.U. Ludhiana
3.	175	15.10.2021	379-B, 382, 420, 467, 468, 471, 473 IPC	Dehlon, Ludhiana
4.	184	08.10.2021	379, 420, 34 IPC	Daresi, Ludhiana
5.	48	10.03.2021	379, 420 IPC	Sarabha Nagar, Ludhiana
6.	119	06.06.2019	379, 473 IPC	Focal Point, Ludhiana
7.	224	08.09.2021	379-A, 34 IPC	Division No.3, Ludhiana
8.	316	04.11.2018	379-B, 34 IPC	Model Town, Ludhiana
9.	237	30.09.2021	379, 379-B, 34 IPC	Moti Nagar, Ludhiana
10.	243	06.11.2021	379-B, 34 IPC	Rama Mandi, Jalandhar
11.	161	02.10.2019	420, 379 IPC	PAU, Ludhiana
12.	19	08.02.2019	379-B (2) IPC	Dugri, Ludhiana
13.	123	09.09.2012	379 IPC	Payal, Ludhiana
14.	100	10.06.2021	174-A IPC	Sadar Khanna
15.	59	16.03.2021	382, 384, 411, 34 IPC	Sadar Khanna

16.	96	26.05.2011	379, 328, 411, 420 IPC	City 1 Khanna
17.	107	15.09.2021	379, 420 IPC	Division No.2, Jalandhar
18.	109	16.09.2021	379, 420 IPC	Division No.2, Jalandhar
19.	128	18.09.2021	379, 420, 201 IPC	Division No.7, Jalandhar
20.	67	27.02.2020	379-B IPC	City Phagwara
21.	80	06.03.2020	379-B IPC	City Phagwara, District Kapurthala
22.	124	10.05.2021	379-B IPC	City Phagwara, District Kapurthala
23.	242	10.10.2021	379, 34 IPC	City Phagwara, District Kapurthala
24.	436	29.07.2021	379-B, 34 IPC	Zirakpur
25.	403	12.07.2021	379-B IPC	Zirakpur
26.	81	22.02.2021	379-B, 420 IPC	Zirakpur
27.	62	06.02.2021	379-B IPC	Zirakpur
28.	3	16.01.2012	379-B IPC	City Nawashahar
29.	76	27.07.2012	382 IPC	City Balachaur
30.	382	04.09.2021	379, 411, 201 IPC	Sector-5, Panchkula
31.	97	2012	382 IPC	Machhiwara Sahib
32.	33	11.03.2021	379, 420 IPC	Dugri, Ludhiana
33.	133	16.09.2012	382 IPC	Payal, Ludhiana
34.	223	05.10.2021	379-B, 201, 34 IPC	Rama Mandi, Jalandhar
35.	148	03.10.2014	399, 402 IPC	Kot Wali, Nabha
36.	99	04.09.2021	392, 365, 201 IPC	Navi Baradari, Jalandhar
37.	193	14.07.2010	379, 411, 34 IPC	City Khanna
38.	80	16.09.2012	382 IPC	Doraha
39.	75	16.09.2012	382 IPC	Maloud
40.	54	01.08.2012	382 IPC	Maloud
41.	81	16.09.2012	382 IPC	Doraha
42.	68	28.04.2021	174-A IPC	Doraha, Ludhiana

PETITIONER No.2 GOGA:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	165	22.07.2019	379-B, 34, 420 IPC	Focal Point, Ludhiana
2.	67	27.02.2020	379-B IPC	City Phagwara
3.	175	15.10.2021	379-B, 382, 420, 467, 468, 471, 473 IPC	Dehlon, Ludhiana
4.	184	08.10.2021	379, 420, 34 IPC	Daresi, Ludhiana
5.	48	10.03.2021	379, 420 IPC	Sarabha Nagar, Ludhiana
6.	119	06.06.2019	379, 473 IPC	Focal Point, Ludhiana
7.	224	08.09.2021	379-A, 34 IPC	Division No.3, Ludhiana
8.	316	04.11.2018	379-B, 34 IPC	Model Town, Ludhiana
9.	237	30.09.2021	379, 379-B, 34 IPC	Moti Nagar, Ludhiana
10.	161	02.10.2019	420, 379 IPC	PAU, Ludhiana
11.	19	08.02.2019	379-B (2) IPC	Dugri, Ludhiana
12.	107	15.09.2021	379, 420 IPC	Division No.2, Jalandhar
13.	109	16.09.2021	379, 420 IPC	Division No.2, Jalandhar
14.	128	18.09.2021	379, 420, 201 IPC	Division No.7, Jalandhar
15.	80	06.03.2020	379-B IPC	City Phagwara, District Kapurthala
16.	124	10.05.2021	379-B IPC	City Phagwara, District Kapurthala

17.	242	10.10.2021	379, 34 IPC	City Phagwara, District Kapurthala
18.	436	29.07.2021	379-B, 34 IPC	Zirakpur
19.	403	12.07.2021	379-B IPC	Zirakpur
20.	81	22.02.2021	379-B, 420 IPC	Zirakpur
21.	62	06.02.2021	379-B IPC	Zirakpur
22.	61	2021	379 IPC	Zirakpur
23.	382	04.09.2021	379, 411, 201 IPC	Sector-5, Panchkula
24.	223	05.10.2021	379-B, 201, 34 IPC	Rama Mandi, Jalandhar
25.	99	04.09.2021	392, 365, 201 IPC	Navi Baradari, Jalandhar
26.	243	06.11.2021	379-B, 34, 201 IPC	Rama Mandi, Jalandhar
27.	33	11.02.2021	379, 420 IPC	Dugri, Ludhiana
28.	81	16.09.2021	382 IPC	Doraha
29.	68	28.04.2021	174-A IPC	Doraha, Ludhiana

PETITIONER No. 3 RAJI:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	165	22.07.2019	379-B, 34, 420 IPC	Focal Point, Ludhiana
2.	67	27.02.2020	379-B IPC	City Phagwara
3.	175	15.10.2021	379-B, 382, 420, 467, 468, 471, 473 IPC	Dehlon, Ludhiana
4.	184	08.10.2021	379, 420, 34 IPC	Daresi, Ludhiana
5.	48	10.03.2021	379, 420 IPC	Sarabha Nagar, Ludhiana
6.	119	06.06.2019	379, 473 IPC	Focal Point, Ludhiana
7.	224	08.09.2021	379-A, 34 IPC	Division No.3, Ludhiana
8.	316	04.11.2018	379-B, 34 IPC	Model Town, Ludhiana
9.	237	30.09.2021	379, 379-B, 34 IPC	Moti Nagar, Ludhiana
10.	161	02.10.2019	420, 379 IPC	PAU, Ludhiana
11.	19	08.02.2019	379-B (2) IPC	Dugri, Ludhiana
12.	107	15.09.2021	379, 420 IPC	Division No.2, Jalandhar
13.	109	16.09.2021	379, 420 IPC	Division No.2, Jalandhar
14.	128	18.09.2021	379, 420, 201 IPC	Division No.7, Jalandhar
15.	80	06.03.2020	379-B IPC	City Phagwara, District Kapurthala
16.	124	10.05.2021	379-B IPC	City Phagwara, District Kapurthala
17.	242	10.10.2021	379, 34 IPC	City Phagwara, District Kapurthala
18.	436	29.07.2021	379-B, 34 IPC	Zirakpur
19.	403	12.07.2021	379-B IPC	Zirakpur
20.	81	22.02.2021	379-B, 420 IPC	Zirakpur
21.	62	06.02.2021	379-B IPC	Zirakpur
22.	382	04.09.2021	379, 411, 201 IPC	Sector-5, Panchkula
23.	243	06.11.2021	379-B, 34 IPC	Rama Mandi, Jalandhar
24.	61	2021	379 IPC	Zirakpur
25.	223	05.10.2021	379-B, 201, 34 IPC	Rama Mandi, Jalandhar
26.	99	04.09.2021	392, 365, 201 IPC	Navi Baradari, Jalandhar
27.	33	11.03.2021	379, 420 IPC	Dugri, Ludhiana

3. The petitioners allegedly visited the complainant’s house in a car and asked her whether she was able to recognize, and when the complainant feigned ignorance, then they asked her to get them water and told her to bring water in their tumbler. After that, one of the car’s occupants came out under the pretext of handing over the

tumbler, and over powered the complainant, removed her gold bangles, and fled away in their car.

4. Ld. Counsel for the petitioners contends that the pre-trial incarceration would cause an irreversible injustice to the petitioners 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 petitioners 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 reveal that the petitioners are gang members operating in cahoots. 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. Given a large number of criminal antecedents, it is most likely that after release on bail, they would again start their nefarious operations.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners fail to make a case for bail at this stage. However, the petitioners may file fresh bail petitions on the grounds of prolonged custody. The dismissal of this petition shall not come in the way while considering the fresh petition(s).

9. Even earlier, the petitioners had filed a similar bail petition which was dismissed vide order dated 14.09.2022; there is no change in the circumstances. 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.

10. Since petitioners are women, this court requests the trial court to expedite the trial on top priority. Registry to inform the concerned court.

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

Trial is expedited subject to the condition that the petitioners shall not seek any adjournment and in case, they seek any adjournment, then this order expediting the trial shall stand recalled without any further reference to this Court. Prosecution is also directed not to seek any adjournment.

(ANOOP CHITKARA)
JUDGE

15.11.2022

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.