

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1211-2023 (O&M)

Reserved on: 17.02.2023
Pronounced on: 11.04.2023

Pardeep
... Petitioner(s)
Versus
State of Haryana
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner(s).

Mr. Manish Bansal, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
899	6.11.2021	Barwala, District Hisar	120-B/201/307/34/216 IPC and 25 Arms Act

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph no. 16 of the status report, the state declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	676	28.11.2018	323, 324, 506, 34 IPC	Barwala
2.	214	29.05.2017	302, 120-B, 34 IPC & 25 Arms Act	Barwala
3.	202	29.05.2015	323, 341, 506, 34 IPC	Barwala
4.	118	19.04.2011	25, 54, 59 Arms Act	Barwala
5.	108	16.04.2011	394, 397 IPC & 25 of Arms Act	Barwala
6.	84	21.02.2015	323, 427, 506, 34 IPC	Narnaund
7.	500	07.09.2015	323, 325, 34 IPC	Narnaund
8.	131	19.04.2015	147, 149, 323, 452, 506 IPC	Barwala
9.	122	09.03.2020	25 Arms Act	Barwala
10.	626	16.09.2020	506, 34 IPC	Barwala
11.	88	10.03.2020	20(b)/61/85 NDPS Act	Bhuna
12.	78	08.02.2021	25 Arms Act	Sadar Hisar
13.	690	03.11.2021	307, 285, 120-B, 34 IPC & 25 of Arms Act	Azad Nagar Hisar

3. The petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. While opposing the bail, the contentions on behalf of the State are that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

5. 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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included.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.
6. The petitioner along with his two/three gang members fired upon the complainant, which whiskered past his forehead. The petitioner has a criminal history of heinous and grave crimes. 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.
7. A perusal of the bail petition and the documents attached, *prima facie* points towards the petitioner’s involvement and does not make out a case for bail and he is neither entitled to bail on merits nor on the grounds of prolonged pre-trial incarceration. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.
8. 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, trial Court is requested to expedite the trial.

(ANOOP CHITKARA)
JUDGE

April 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No