

CRM-M-4539-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-4539-2023  
Reserved on: 03.02.2023  
Pronounced on: 22.02.2023

Balbir Singh @ Kali ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jitender Singh Dadwal, Advocate  
for the petitioner.

Mr. Virat Rana, AAG, Punjab.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station                   | Sections                                                        |
|---------|------------|----------------------------------|-----------------------------------------------------------------|
| 0031    | 14.03.2020 | Beas, District<br>Amritsar Rural | 420 & 120-B IPC (Sections<br>201 & 120-B IPC added later<br>on) |

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 17 of the bail petition, the accused declares the following criminal antecedents:

| Sr. No. | FIR No. | Date       | Offences                                                     | Police Station                        |
|---------|---------|------------|--------------------------------------------------------------|---------------------------------------|
| 1       | 378     | 30.11.2020 | 420 & 120-B IPC                                              | Beas, Distt. Amritsar (on bail)       |
| 2       | 198     | 24.12.2020 | 420, 120-B IPC and 13 of Punjab Travel Professional Act 2014 | Mehta, Amritsar (on bail)             |
| 3       | 41      | 26.03.2018 | 419, 420, 465, 467, 468, 471 & 120-B IPC                     | Sultanwind, Distt. Amritsar (on bail) |
| 4       | 148     | 2010       | 420, 471, 506 & 120-B IPC                                    | Civil Lines, Amritsar (on bail)       |
| 5       | 46      | 08.11.2016 | 420, 406, 120-B & 379-B IPC                                  | Sadar Kapurthala (on bail)            |

3. Petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner contends that the pre-trial incarceration would cause an irreversible injustice

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to the petitioner and family.

4. While opposing the bail, the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

5. In Maulana Mohd Amir Rashadi v. State of U.P., (2012) 3 SCC 382, Hon'ble Supreme Court holds,

[10] It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.

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 that while travelling to Chintpurni with complainant in order to get the agreement signed, petitioner left the complainant midway near Hoshiarpur and took amount of Rs 60,00,000 alongwith agreement to sell with himself.

8. As per paragraph 7 of the bail petition, the petitioner is in custody since 26.08.2022. Given the amount involved viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, the petitioner is not entitled for concession of bail at this stage.

**Petition is dismissed.** All pending applications, if any, stand disposed.

**Trial be expedited.** It is clarified that the petitioner shall not seek any adjournment and regularly attend the trial.

(ANOOP CHITKARA)  
JUDGE

22.02.2023  
anju rani

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|----------------------------|-----|
| Whether speaking/reasoned: | Yes |
| Whether reportable:        | No. |