

CRM-M-11044-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11044-2023
Reserved on: 19.04.2023
Pronounced on: 22.05.2023

Amandeep alias Amana ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. P.S. Hundal, Sr. Advocate with
Mr. Vikramjeet Singh, Advocate
For the petitioner.

Mr. Virat Rana, AAG, Punjab.

Mr. Fatehjeet Singh, Advocate
For the injured/victim.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	31.01.2021	Basti Bawa Khel, District Jalandhar	307, 120-B, 148, 149, 323, 324, 325, 326 & 201 IPC

1. The petitioner incarcerated in the FIR captioned above, has come up before this Court under Section 439 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	165	26.09.2015	323, 341, 34 IPC	Basti Bawa Khel, Jalandhar
2	180	14.11.2019	307, 160, 148, 149, 379B IPC and 13, 3, 67 of Punjab Gambling Act 1867	Division 6, District Jalandhar
3	127	01.07.2020	379B, 382, 482, 465, 467, 468, 471, 120B, 216 IPC and 25 of Arms Act, Sections 61, 1, 14 of Punjab Excise Act and 21/22 of NDPS Act	Bhargo Camp, District Jalandhar
4	124	22.09.2020	323, 324, 160, 148, 149 IPC and 67 of IT Act	Division No.2, Jalandhar

CRM-M-11044-2023

5	29	07.02.2022	384, 212, 216, 116, 120B IPC and 25 of Arms Act	Division No.8, District Jalandhar
6	16	07.02.2022	307, 341, 34 IPC and 25/27 of Arms Act	Division No.1, District Jalandhar
7	68	16.06.2022	21, 22, 29, 61, 85 of NDPS Act and 25/54/59 of Arms Act	Navi Baradari, District Jalandhar
8	37	30.03.2021	386 & 504 IPC and 66 of IT Act	Division No.2, Jalandhar

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 has 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. On Jan 30, 2021, the petitioner along with the members of his gang attacked the complainant and assaulted them with weapons including sword. During the attack, when they tried to hit Vishal, as per him with a view to kill, then Vishal raised his hand to ward off sword, but it chopped off his hand from wrist. His family members also received brutal injuries.

8. 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

CRM-M-11044-2023

refrains from doing so.

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.

The petition is dismissed. However, considering the petitioners’ custody, this court requests the concerned trial court to make all endeavours to conclude the trial by Sep 30, 2023, of which the prosecution evidence be completed by Aug 31, 2023, and the remaining time to provide an opportunity to the accused to lead defence evidence, if so desired. It is clarified that this order speeding-up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.05.2023
anju rani

Whether speaking/reasoned:	Yes
Whether reportable:	No.