

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-56581-2022 (O&M)

Reserved on: 17.02.2023

Date of Pronouncement: 11.04.2023

Rohit @ Patwari

... Petitioner(s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Sandeep Gahlawat, 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	307/120-B/34/216/201 IPC and 25 Arms Act (Sections 216/201 added later on).

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. 15 of the status report, the State declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	40	09.02.2020	302, 307, 120-B IPC	Civil Lines, Hisar
2.	281	2020	147, 148, 149, 323, 325, 427 IPC	Bass
3.	518	23.11.2021	18/61/85 NDPS Act	Civil Lines, Hisar
4.	153	26.05.2020	323, 379, 506, 34 IPC	Siwani
5.	355	26.09.2020	25 of Arms Act	Civil Lines, Hisar
6.	160	31.05.2020	147, 148, 149, 323, 325, 506 IPC	Siwani
7.	690	03.11.2021	307, 285, 120-B, 34 IP & 25 of Arms Act	Azad Nagar Hisar
8.	46	16.03.2018	148, 149, 323, 365 & 506 of IPC	Siwani

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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included.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 of.

However, trial Court is requested to expedite the trial.

(ANOOP CHITKARA)
JUDGE

April 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No