

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60883-2022 (O&M)

Reserved on: 17.02.2023

Date of Pronouncement: 11.04.2023

Sunil @ Kala @ Balwant

... Petitioner(s)

Versus

State of Haryana

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Ramnish Puri, 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	307/216/201/120-B/34 IPC and 25 Arms Act, (as per Reply).

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.	355	26.09.2020	25 of Arms Act	Civil Lines, Hisar
3.	690	03.11.2021	307, 285, 120-B, 34 IPC & 25 of Arms Act	Azad Nagar, Hisar
4.	46	16.03.2018	148, 149, 323, 365 & 506 of IPC	Siwani
5.	07	08.06.2010	148, 149, 307 IPC & 25 of Arms Act	Siwani
6.	208	26.09.2015	25 of Arms Act	Siwani
7.	117	07.07.2017	25 of Arms Act	Siwani
8.	16	06.01.2013	379, 402 IPC & 25 of Arms Act	City Bhiwani
9.	252	20.05.2013	398, 401 IPC & 25 of Arms Act	Palam Vihar, Gurugram
10.	448	30.06.2013	302 IPC & 25 of Arms Act	Sadar, Bhiwani

11.	400	26.09.2015	25 of Arms Act	Tosham
12.	138	17.09.2003	304-B, 34 IPC	Siwani
13.	235	12.04.2018	25 of Arms Act	Sadar, Bhiwani
14.	165	29.09.2017	307, 34 of IPC and 25 of Arms Act	Siwani
15.	205	04.06.2020	25 of Arms Act	Civil Lines, Hisar
16.	198	09.09.2012	302, 201 IPC	Hamirwas, District Churu (Raj.)
17.	105	2013	302, 201, 364, 120-B IPC	Pilani, District Jhunjhnu
18.	18	2013	302, 149, 201 IPC	Churu
19.	277	2012	160 IPC & 42 Prison Act	Sadar Bhiwani
20.	381	2020	465, 467, 469, 120-B, 81, 83, 98 IPC	Morbi
21.	193	21.03.2020	406, 420, 201, 34, 120-B, 506 IPC	City Karnal

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.

(ANOOP CHITKARA)
JUDGE

April 11, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	No