

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.32566 of 2024
Reserved on: 02.09.2024
Pronounced on: 16.09.2024

Kulwant Singh @ Ravi @ Andha...Petitioner

Versus

State of Punjab...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Sukhdev Singh, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
159	25.09.2022	Nihalsinghwala, District Moga	22 of NDPS Act, 1985

1. The petitioner incarcerated in the FIR captioned above has come before this Court seeking regular bail under Section 439 CrPC.
2. Para 14 of the bail petition reads as follows:
“14. That apart from the present case no other case FIR is there against the petitioner as per the instructions received by the counsel for the petitioner. “
3. However, para 6 of the reply dated 28-08-2024 reads as follows:
“6. That it is most respectfully submitted that as per his antecedents of accused/petitioner Kulwant Singh @ Ravi @ Anda who is a previous convict is incorrigible and habitual offender indulging in criminal activities and cannot restrain himself from indulging in Narcotic substances and other crimes. Apart of the instant case, accused/petitioner is facing trials in as many as 04 other criminal cases including another case registered against him under NDPS Act. The criminal history of the petitioner is submitted below please:

Sr. No	FIR No./ date	Offences	Police Station	Present Status of the case
Cases, in which convicted recorded				
1.	44 dated:22.04.2017	379-B, 34 IPC	Nihal Singh Wala (Distt. Moga)	16.08.2018 Convicted & Sentenced to undergo RI 5 years and fine Rs.3000/- (in default further RI for

				one month)
Cases, pending trial/ Under Trial Cases.				
1.	226 dated:06.12.2019	382, 201, 411 IPC	City Kotkapura (Faridkot)	Under Trial – 03.09.2024 for PWs
2.	190 dated:13.12.2019	307/ 452/ 148/ 149 IPC & 25, 27 Arms Act	Baghapurana (Distt. Moga)	Under Trial – 20.09.2024 for Defence Evidence
3.	194 dated: 17.12.2019	399/ 402 IPC & 25, 27 Arms Act	Baghapurana (Distt. Moga)	Under Trial – 03.09.2024 for PWs
4.	100 dated 19.06.2021	22 NDPS Act	PS. Nihal Singh Wala	Under Trial – 08.10.2024 for PWs

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4. The petitioner did not disclose the complete criminal antecedent.
5. Criminal antecedents are one of the most critical aspects while granting or rejecting bail. The petitioner chose not to disclose the criminal history correctly. Considering the bail petition of an accused with a criminal history throws an onerous responsibility upon the courts to act judiciously and reasonably 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 prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included. Although crime is to be despised and not criminal, for a recidivist, the contours of a playing field are marshy, and the graver the criminal history, the slushier the puddles.
6. Given the above, the present petition deserves dismissal with the liberty to file fresh after disclosing all criminal antecedents relating to any part of India or abroad.
7. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
8. **The petition is dismissed, with the liberty to file a fresh with the abovementioned declaration.** All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

16.09.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.