

CRM-M-33975-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33975-2024
Reserved on: 13.08.2024
Pronounced on: 30.08.2024

Jagdish alias Makhan ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinay Kumar Jindal, Sr. Advocate with
Mr. Akshay Jindal, Advocate and
Mr. Pankaj Gautam, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

Mr. Munish Behl, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
71	10.12.2020	Munak, District Karnal	420, 467, 468, 471, 120-B, 201 IPC 1860 and Sections 7 & 13 of PC Act

1. The petitioner apprehending arrest in the FIR captioned above has come before this Court seeking bail under Section 438 CrPC.

2. Para 20 of the bail petition reads as follows:

“That no other case is pending or registered against the petitioners as per their knowledge and the petitioner have also not been declared PO by any Court of law in any case.”

3. However, para 8 of the reply dated 08-08-2024 reads as follows:

“8. That the antecedents of the petitioner is not clean, as he was also involved in another criminal case FIR No.537 dated 10.11.2012 under Section 68-1-14, Punjab Excise Act 1914, PS Gharaunda, Distt. Karnal, in which present petitioner was convicted.”

4. The petitioner did not disclose the complete criminal antecedent.

5. Criminal antecedents are one of the most important 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

CRM-M-33975-2024

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history, the prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included.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 is dismissed 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.** Interim order stand recalled. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

30.08.2024
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.