

CRM-M-12234-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12234-2025

Date of Decision: 07.05.2025

Raja Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. A.S. Dhaliwal, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
137	13.12.2024	Mehna, District Moga	22, 61, 85 of NDPS Act (Section 29 of NDPS Act added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 5 of the bail petition, the petitioner declares that he is not involved in any other FIR.
3. As per paragraph 11 of the short reply, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	87	15.08.2016	15, 61/85 of NDPS Act	Badhni Kalan
2.	33	24.05.2024	341, 323, 506, 148 IPC	Ajitwal, District Moga

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 responsibility upon the courts to act judiciously and reasonably because arbitrariness is



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history, the prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included.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

(ANOOP CHITKARA)
JUDGE

07.05.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.