



CRM-M-30070-2024
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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30070-2024
Decided on: 13.02.2025

Sartaj Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Abhishek Khullar, Advocate and
Mr. Naresh Kalia, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	21.03.2024	Daba, District Ludhiana	406, 420, 506, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above, had come before this Court seeking anticipatory bail under Section 438 CrPC.
2. In para 12 of the petition, petitioner declares that he has no criminal history, however as per para 13 of the reply, petitioner is involved in three more cases except the present one, which reads as follows:-

Sr. No.	FIR/GD No.	Date	Offenses	Police Station
1	37	21.05.2024	420, 120-B IPC	Daba, District Ludhiana
2	GD No.30	05.06.2022	182 IPC	Daba, District Ludhiana

REASONING:

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



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history, the prosecution resulting in acquittal or discharge, or when Courts quashed the FIR, the prosecution stands withdrawn, or the prosecution filed a closure report, cannot be included.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

5. 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 and also to annex copy of the bail orders, if he is on bail in those cases.

6. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

7. **The petition is dismissed, with the liberty to file a fresh with the abovementioned declaration.** It is clarified that filing and dismissal of the present petition shall not come in the way of petitioner, if fresh petition is filed and that shall be decided on its own merits. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

13.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.