

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-59113-2024
Reserved on: 07.01.2025
Pronounced on: 22.01.2025

Hari Om Rana ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajesh Bansal, Advocate and
Mr. Naveen Nandal, Advocate
for the petitioner.

Mr. Aashish Bishnoi, DAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
15	19.01.2023	City Pehowa, Kurukshetra, District Kurukshetra	120-B/406/420 IPC (Sections 467/468/471 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above has come before this Court seeking bail under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. Para 5 of the bail petition reads as follows:

“5. That as per the information supplied on behalf of the petitioner two more FIRs of similar nature have been registered against the present petitioner; (1) FIR No.124 dated 14.02.2023, under Sections 120B, 406, 420, 467, 468, 471, 201, 506 of IPC, Section 3 of The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013, Police Station Yamuna Nagar City, District Yamuna Nagar; (2) FIR No.527, dated 12.10.2022 under Sections 120B, 406, 420, 467, 468, 471 IPC of Indian Penal Code, 1860 registered with Police Station Baldev Nagar, District Ambala, in which both the cases the petitioner is on bail. As per police reply two more cases are pending against the petitioner, whereas the family members of the petitioner are not in the knowledge of the same at this stage and the respondent-State may clarify regarding the same.

3. However, para 10 of the reply dated 28-12-2024 reads as follows:

*“10. That as per record, the present petitioner is found involved in five other similar nature of offences (FIR's) The detail is as under:
a) FIR No. 92, dated 21.6.2016 under sections 427, 452 IPC, P.S. Babain, District Kurukshetra- Acquitted on 16.10.2024.*

b) FIR No. 95, dated 24.6.2016 under sections 148, 149, 323, 343, 365, 452 and 506 IPC, P.S. Kurukshetra. Babain, District Kurukshetra.
c) FIR No. 217, dated 23.3.2022 under sections 174A IPC, P.S. Ladwa, District Kurukshetra – convicted on 21.10.2024.
d) FIR No. 527, dated 12.12.2022 under sections 406, 420, 120B IPC, P.S. Baldev Nagar, District Ambala- Facing Trial.
e) FIR No. sections 42, dated 31.5.2023 under 21-29-61-85 39 (1) Excise Act, NDPS Act, and P.S. Kanda Ghat, District Solan, Himachal- Facing Trial. From the perusal of the above it has been revealed that the present petitioner is habitual for committing the crime repeatedly.”

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 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 petitioner registered in 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

22.01.2025
Jyoti sharma

Whether speaking/reasoned: Yes
Whether reportable: No.