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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23148-2023
Date of Decision: 14.07.2023

Bhagwan Singh @ Gaggi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Parminder Singh Sekhon, Advocate for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
162	13.12.2019	Moonak, District Sangrur	307, 224, 332, 353, 186, 130, 148, 149, 201, 483, 411, 120-B IPC and 25 of Arms Act

1. The petitioner incarcerated in the FIR captioned above, on the allegations has come up before this Court under Section 439 CrPC seeking bail.
2. In paragraph 15 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1.	105	24.07.2016	341, 323, 120, 109, 34 IPC	Lehra, District Sangrur
2.	61	16.06.2017	302, 392, 120-B, 34 IPC & 25 A. Act	Baretta, District Mansa
3.	28	04.02.2020	302, 382, 483, 201, 34 IPC and 25 Arms Act	Lehra, District Sangrur
4.	605	13.12.2019	379-A, 34 IPC	City Tohana, District Fatehabad
5.	157	30.07.2020	309 IPC	City-I Sangrur, District Sangrur
6.	192	03.08.2021	307, 506, 120-B, 34 IPC and 25, 27 of Arms Act	Lehra, District Sangrur

3. The petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

4. While opposing the bail, the contentions on behalf of the State are that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

5. In Paramjeet Singh v. State of Punjab, **2022:PHHC:003983 [Para 8]**, CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness 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history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

6. The petitioner has criminal history of heinous and grave crimes. The petition does not refer to any averment based on which this court is assured that if this recidivist is released on bail, then he shall not indulge in criminal behavior.

7. The allegations against the petitioner are that when the police official after producing the petitioner in JMIC Moonak, District Sangrur, were taking him back to Central Jail, Bathinda by car, then the petitioner told them that he was feeling nauseous and requested to stop car to vomit. When they stopped car and petitioner came out to vomit, co-accused of the petitioner fired gun shots on the police officials and one bullet hit the right thigh of the police official and the petitioner, who was handcuffed ran away along with the hand cuffs.

8. A perusal of the bail petition and the documents attached, prima facie points towards the petitioner's involvement and does not make out a case for bail and he is neither entitled to bail on merits nor on the grounds of prolonged pre-trial incarceration. Any further discussions are likely to prejudice the petitioner; this court refrains from doing so.

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

The petition is dismissed. However, considering the petitioners' custody, this court requests the concerned trial court to make all endeavours to conclude the trial by Sep 30, 2023, of which the prosecution evidence be completed by Aug 31, 2023, and the remaining time to provide an opportunity to the accused to

lead defence evidence, if so desired. It is clarified that this order speeding-up the trial is subject to the condition that neither the petitioner shall seek any adjournment nor try to use any tactics to delay the trial. If they do so, this order of expediting the trial shall stand automatically recalled by resorting to Section 362, read with Section 482 Code of Criminal Procedure, 1973, without any further reference to this court. All pending applications, if any, stand closed.

(ANOOP CHITKARA)
JUDGE

14.07.2023
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.