

216

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

**Date of decision: April 17, 2017
CRM-M-6021 of 2017**

Jatinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CRM-M-6656 of 2017

Tarun Kumar @ Micky

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Vinay Kumar, Advocate
for the petitioner (in CRM-M-6021 of 2017).

Mr. Sandeep Sharma, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner (in CRM-M-6656 of 2017).

Ms. Rajni Gupta, Addl. AG Punjab.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties and seen reply
filed by the prosecution.

By this order, above said two petitions would be disposed
of.

This is a petition seeking grant of regular bail to the
petitioners in FIR No.19 dated 06.12.2016, under Sections 223, 224,
225, 511, 120-B of the Indian Penal Code, 1860 and Sections 25, 30,
54, 59 of Arms Act, 1959, registered at Police Station S.S.O.C.

Amritsar, District Amritsar. The petitioners are in jail since the date of their arrest.

Learned State counsel fairly states that there is no other offence against the present petitioners.

Perusal of the reply shows that the chief conspirator in the present matter was Head Constable Angrej Singh No.2239/Asr, Gunman of Superintendent, Central Jail, Amritsar who is on regular bail. The offence could not have been committed had he not acted allowing entries of petitioners and others and tampering with jail records.

Learned State counsel states that it is true that had Head Constable Angrej Singh No.2239/Asr not opened the gate for the petitioners and others, the offence would not have been possible.

The fact however, remains that the allegations against the petitioners is about entering the jail illegally and supplying mobile phones and SIM cards in Jail. Looking to the nature of the allegations against the petitioners and further fact that there is no offence against the petitioners and offences being triable by the Magistrate, there is no point in continuing their detention since the main accused is Head Constable Angrej Singh No.2239/Asr who has eventually been released on regular bail. Petitioners will have to file undertaking before the trial Court not to indulge in related offences as a pre-condition for grant of bail. In that view of the matter, following order is passed:-

ORDER

- (i) CRM-M-6021 of 2017 and CRM-M-6656 of 2017 are allowed;
- (ii) Petitioners shall be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to their filing undertaking not to indulge in related or any other offence in future as a pre-condition of this order granting bail;
- (iii) State of Punjab is directed to proceed against Head Constable Angrej Singh No.2239/Asr departmentally and complete the departmental inquiry within 6 months from today and file report to this Court looking to the allegations which are not only of serious nature but destructive of the discipline by police personnel. In no case, extension shall be granted in this regard.

(A.B. CHAUDHARI)
JUDGE

April 17, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No