

Crl. Misc. No. M-22163 of 2018

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-22163 of 2018

DATE OF DECISION:19.09.2018

Bhim Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Ripudaman Singh Sidhu, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

DAYA CHAUDHARY, J.

The present petition under Section 439 Cr.P.C. has been filed by petitioner-Bhim Singh for grant of regular bail in case FIR No. 142 dated 27.11.2016 registered under Sections 307,392,223,224,120-B,148,149 IPC and Section 25 of Arms Act at Police Station Kotwali, Nabha.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he has served the country through Indian Army and retired with an excellent service record. The petitioner has been implicated in this case on the basis of statement made by co-accused-Tajinder Sharma @ Happy. Learned counsel further contends that the petitioner was not on duty at the time of incident, thus, any connivance cannot be attributed to him. The other employees of the

Security of Jail, namely, Jaswinder Singh-Jail Warden, Satnam Singh-Jail

Warden, Kuldip PESCO Employee, Tek Singh PESCO employee, Nirmal Khan, Hans Raj Constable, Sahib Singh Head Constable have been exonerated and declared innocent, however, they were present at the time of occurrence and opened gate of the jail without verifying the persons, who entered in the uniform of the police. Learned counsel also contends that nothing has been recovered from the petitioner, however, on the basis of statement of co-accused, Tajinder Sharma @ Happy, recovery of ₹10,000/- has been shown in the name of the petitioner, which clearly shows that the petitioner is being used as a scapegoat to cover inefficiency of the police department.

Learned counsel for respondent-State has opposed the submissions made by learned counsel for the petitioner on the ground of seriousness of the offence and also the fact that no accused has been released on regular bail. Earlier also, the petitioner approached this Court for grant of regular bail but the said petition was dismissed. Thereafter the petitioner approached Hon'ble the Apex Court for grant of regular bail by way of filing SLP, which was also dismissed on 5.1.2018. No changed circumstances are there and in case the petitioner is released on regular bail, there is possibility that he may influence the witnesses or tamper with the evidence.

Heard the arguments advanced by learned counsel for the parties and have also gone through the contents of the FIR and other documents available on the file.

The petitioner was working as Deputy Superintendent at Maximum Security Jail, Nabha and was found involved in helping the accused to abscond from the jail. No doubt, the petitioner has been

involved in this case on the basis of disclosure statement made by co-accused-Tajinder Sharma @ Happy, wherein, allegations of conspiracy were levelled against him but there was not only negligence and dereliction of duty on the part of the petitioner but he was a part of conspiracy due to which the hard core criminals fled away from the jail. After dismissal of SLP by Hon'ble the Apex Court, there are no changed circumstances. Moreover, there are total 72 prosecution witnesses and no witness has been examined so far.

By considering the seriousness of the offence; stage of the trial and also the fact that there are no changed circumstances after dismissal of earlier bail petition, which was upheld upto Hon'ble the Apex Court, no ground is made out to grant regular bail to the petitioner. The petition being devoid of any merit is hereby dismissed.

September 19, 2018
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes