

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

CRM-M-4544-2019

Date of Decision:01.03.2019

Taranjot Singh @ Tanna

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. A.P.S. Rehan, Advocate
for the petitioner.

Mr. K.S. Aulakh, D.A.G. Punjab.

RAJBIR SEHRAWAT, J. (Oral)

Through this petition, the petitioner has sought for bail pending trial in case FIR No.0014 dated 10.06.2018 registered under Sections 420, 364-A, 382, 386, 387, 212, 216, 216-A & 120-B of IPC, Section 42 & 52-A of Prisons Act, 1894, Sections 10, 11 & 13 of the Unlawful Activities (Prevention) Act 1967 registered at Police Station State Special Operations Cell, Amritsar, District Intelligence Wing (CID), Amritsar.

Learned counsel for the petitioner contends that admittedly the petitioner was in custody when he was involved in the present FIR. However, even as per the FIR, allegations against the petitioner is that he was found in possession of Mobile Phone instruments, though, without any Sim-Card. Still further, it is submitted that even during investigation, the Police have not been able to collect any material to show that the said Mobile Phone was used for preparation of any criminal activity. Otherwise, only possession of Mobile Phone inside the jail is not an offence as such. If at all, having any Mobile Phone inside the jail, is infraction of law, it is the jail official who are responsible for this and not the petitioner. Still further,

it is submitted that the petitioner is in custody since 27.6.2018. Investigation of the case qua the petitioner is already complete. Challan has already been filed. The petitioner is not required for any investigation purposes.

On the other hand, learned State counsel, being instructed by ASI Ghanshayam Singh, submits that the Mobile instrument has been recovered from the petitioner inside the jail, although, he was not authorized to have the same. It is further submitted by the learned State counsel that as per IMEI number recorded on the network, the petitioner is found to have used this phone to talk to outside the jail. Still, it is submitted that during investigation, the petitioner has disclosed name of two persons; from whom a revolver and a car have been recovered.

However, it is not disputed that call details do not reflect upon the petitioner participating in any criminal activity by using this mobile instrument. It is also not disputed that the petitioner is in custody since 27.6.2018 and the challan has already been filed in this case.

In view of the above facts and circumstances, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

01.03.2019
rajeev

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No