

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

CRM-M No.13553 of 2019
DATE OF DECISION : 16th JULY, 2019

Balwinder Singh @ Doni

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Amit Arora, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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RAJBIR SEHRAWAT, J. (Oral)

Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of bail pending trial in case FIR No.14 dated 10.06.2018 under Sections 420, 364-A, 386, 382, 212, 216, 216-A, 120-B of IPC; Section 42 & 52-A of Prisons Act; Sections 10, 11 & 13 of Unlawful Activities (Prevention) Act, 1967 and Section 25/27 of Arms Act, 1959 registered at Police Station State Special Operation Cell, District Intelligence Wing (CID), Amritsar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is an admitted fact that at the time when the offence is alleged to have been committed, the petitioner was in custody in Central Jail, Amritsar. Therefore, he had no reason or occasion to participate in the offence. The only allegation against the petitioner is that the petitioner was using mobile phone, while in custody in jail. Learned counsel for the petitioner has further submitted that qua the use of mobile phone, there is nothing with the police to show that by

calling through or by using this mobile number, the petitioner was involved in any specific criminal activity. No recovery has been effected from the petitioner. Co-accused of the petitioner has already been granted bail. Challan has already been filed and the petitioner is not required for any investigation purposes.

On the other hand, learned State counsel submits that the petitioner has been found to be involved in unlawful activities while in custody. The co-accused has disclosed the name of the petitioner as talking to the criminal outside the jail so as to commit criminal activities. However, it is not disputed that nothing has been recovered from the petitioner in this case and that the petitioner was in custody on the alleged date of occurrence.

In view the above, 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.

16th JULY, 2019
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>