

**214/1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 08.01.2020

1. CRM-M-54950-2019

Virender ... Petitioner
v/s

State of Haryana ... Respondent

2. CRM-M-55163-2019

Rambir ... Petitioner
v/s

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dharmender Malik, Advocate for
Mr. Kamal Mor, Advocate for the petitioner.

Mr. Baljinder Singh Virk, DAG Haryana.

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VIVEK PURI, J. (ORAL)

Petitioners have prayed for grant of regular bail in case FIR No. 629 dated 01.11.2019, registered under Section 42A of Prisons Act, 1894 IPC at Police Station City Sonipat, District Sonipat.

Briefly the allegations against Virender and Rambir, petitioners are to the effect that an FIR was lodged at the instance of Superintendent, District Jail, Sonipat as during the course of patrolling a mobile phone along with sim, battery and two iron cutter saw blades were recovered from the Jail premises. During the course of investigation it had emerged that the mobile sim was issued in the name of Sheela who is the maternal aunt of Rambir, petitioner and the same was handed over to Rambir and accordingly he has been nominated as an accused. It has further been stated that the call

details indicated that about 4-5 conversations took place between both the petitioners shortly prior to the occurrence.

It has been stated that the FIR has been registered against unknown persons and the mobile phone sim has not been issued in the name of any of the petitioners.

On the contrary, it has been stated by learned State counsel that such like offences cannot be viewed lightly.

It may be mentioned here that arrest of the petitioners was effected on 28.11.2019. Their custodial interrogation is over and they have been remanded to judicial custody. The offence under Section 42 A of Prisons Act (as amended vide Haryana Act No.9 of 2014) is punishable with maximum imprisonment of three years. It has also been stated that the offence is triable by the Magistrate

Considering the above and the fact that the trial is likely to consume some time, further detention of the petitioners may not be justified. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petitions are allowed.

08.01.2020
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No