

227

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

**CRM-M No.23000 of 2021(O&M)
Date of Decision: 29.06.2021**

Naresh @ Surender

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.135 dated 05.05.2020 registered under Sections 42 and 45 of the Prisons Act (final report under Section 173 Cr.P.C filed under Sections 42-A and 45 of the Prisons Act and Section 115 of the IPC) at Police Station Industrial Sector 29 Panipat, District Panipat.

Petitioner has not been named in the FIR. FIR relates to jail offence. Petitioner has been nominated on the basis of

disclosure statement of accused Sunil @ Mota. The allegation against the petitioner is that he asked his friend Sunil @ Mota to arrange sim card and handed over the same to co-accused Rakesh @ Pappu and Sultan, who allegedly used the same. Petitioner is neither the owner of the sim card, nor has used the same. Petitioner is in custody in case bearing FIR No.27 dated 11.02.2020 under Section 15 of the NDPS Act at Police Station Israna, Panipat.

During jail inspection, two mobile phones were found and FIR was registered against four persons namely Rakesh @ Pappu, Sultan, Rahish and Rakesh @ Fouji. Petitioner was nominated only on the basis of disclosure statement of Sunil @ Mota. Even as per disclosure statement of the petitioner, he became friend of Rakesh @ Pappu and Sultan. Rakesh @ Pappu and Sultan showed their intention to get someone killed outside, for which they needed a sim card. They got one phone arranged, but in the absence of sim card, that was of no use. Petitioner got arranged the sim card when he told the visitor namely Sunil @ Mota who got the sim card arranged and delivered the same to the petitioner under the garb of providing clothes during some visiting hours. Sim card was handed over to Rakesh @ Pappu and Sultan.

Learned State counsel, however, opposed the bail on

the ground that the petitioner is in custody in committing jail offence. The nature of allegations are sufficient to decline regular bail to the petitioner.

It is evident that the petitioner is still in custody in FIR No.27 dated 11.02.2020 under Section 15 of the NDPS Act at Police Station Israna, Panipat and his bail application is pending for 02.07.2021 in the High Court.

In the present FIR, keeping in view the nature of allegations and without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

29.06.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No