

CRM-M-23321-2021**Date of Decision: 26.11.2021****Mohit @ Dandi****.....Petitioner****Vs.****State of Haryana****.....Respondent****CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present: Mr. M.K. Dogra, Advocate, for the petitioner.
Mr. Munish Sharma, A.A.G., Haryana.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in the context of FIR No. 198, dated 24.06.2020, registered at Police Station SGM Nagar, District Faridabad, for the alleged commission of offences punishable under the provisions of Sections 302/450/120-B/34 of the IPC and Sections 25/54/59 of the Arms Act, 1959.

Pursuant to the order dated 12.10.2021, an affidavit of Sh. Mohd. Akil, the Director General of Prisons, Haryana, dated 22.11.2021, has been filed, which is ordered to be taken on record.

Learned State counsel points to the contents thereof to submit that with 670 cameras having been installed in different jails, 30 more are sought to be installed, with it also stated in the affidavit that other measures, such as installation of 'jammers', is also in process.

It has further been stated in the affidavit that 14 jail officers/officials, including Deputy Superintendents and Assistant Superintendents, other than warders, are facing departmental action, (though

it has not been specifically stated as to whether they are suspected of having colluded with jail inmates in the process of mobile phones etc. reaching them).

That being so, nothing further remains to be stated by this court as regards that issue and presently it is therefore left to rest.

As regards the merits of the case, learned counsel for the petitioner submits that though in the context of the FIR in question, the petitioner is in custody since October 2020, with the trial still being at its initial stage and with 41 prosecution witnesses to be still examined, he has also been in custody in the context of other cases registered against him, since 2015.

Having considered the above, seeing that as per the reply of the Assistant Commissioner of Police, Faridabad, dated 27.08.2021, there are 10 other criminal cases registered against him and that, allegedly, as regards the present FIR in question, he was hatching a conspiracy from inside the jail using a mobile phone, I do not think it is an appropriate case where he can be admitted to bail, at this stage.

Consequently, this petition is dismissed.

However, it is made clear that nothing observed hereinabove will be taken to be a comment on the actual merits of the case for or against the petitioner, which would be wholly gone into as per evidence gathered and led before the trial court.

November 26, 20 21
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Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.