

203

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

CRM-M-28708-2021 (O&M)

Date of Decision : 04.08.2021

Mohammad Assim

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ganesh, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

ALKA SARIN, J.

Heard through video conferencing.

This is the fourth petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.142 dated 27.11.2016 under Sections 307, 392, 223, 224, 120-B, 148, 149, 201, 419, 170, 171, 353, 186, 212, 216, 489 of the Indian Penal Code, 1860 and Sections 25/27/54/59 of the Arms Act, 1959 and Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotwali, Nabha, District Patiala.

As stated in the petition herein, the first petition being CRM-M-3755-2018 filed by the petitioner was dismissed as withdrawn vide order dated 10.08.2018. The second petition being CRM-M-48918-2018 was for grant of interim bail and the petitioner was granted interim bail from 04.12.2019 to 18.12.2019 vide order dated 03.12.2019. The third petition being CRM-M-44453-2020 was for grant of regular bail and the same was also dismissed as withdrawn vide order dated 05.01.2021.

The brief facts relevant to the present case are that on

27.11.2016 the then SHO, Police Station Kotwali, Nabha received information from ASI Shivdev Singh and on the basis of which he along with the police party reached Maximum Security Jail, Nabha. There ASI Shivdev Singh gave a statement that at about 9 a.m. there was a lot of firing at Maximum Security Jail, Nabha and on hearing the same he called senior officials and along with the police party reached the gate of the Maximum Security Jail. There, he saw one Honda car which was going at a high speed towards the main gate and about 15-20 persons were there and out of which some were armed with SLRs and others with smaller weapons like pistols and they were firing in the air and running outside. When he reached the main gate he came to know that one Fortuner car bearing No.HR-7659, one Verna Grey coloured car, one I-20 car White Coloured, were used by these persons to escape. Out of said persons, one was wearing the uniform of ASI and few others were also wearing police uniforms. When he asked the Jail officials he came to know that the said persons had come in the said vehicles and forcibly got the door opened and entered the jail premises and helped prisoners, namely, Harminder Singh @ Mintu, Gurpreet Singh Sekhon, Harjinder Singh @ Vicky Goddar, Amandeep Singh Gotia, Kulpreet Singh @ Neeta Deol and Kashmir Singh Galwandito escape, these named prisoners were already present near the gate. They also snatched the SLR from the Guard Jaswinder Singh and Constable Hans Raj along with cartridges. The Jail officials who had connived in order to give effect to this incident were also named. On the basis of the said statement, the FIR was registered. After investigation, the accused were arrested. Weapons and the relevant documents were taken into police possession and statements of the witnesses were recorded.

Learned counsel for the petitioner has contended that the

petitioner has falsely been implicated in the present case and there is no specific allegation against the petitioner. According to the counsel, no recovery was made from the petitioner and no connection between the petitioner and the co-accused has been established. He has further contended that the petitioner has been in custody since long and the trial is likely to take time and therefore he be granted bail.

Learned counsel for the State has, on the other hand, pointed out that the gravity of the offence in the present case has also to be seen inasmuch as the accused is alleged to have conspired to help prisoners escape from the Maximum Security Jail, Nabha. She has further pointed out that this Court vide order dated 13.10.2020 passed in ***CRM-M-7214-2019 (Jatinder Singh @ Tony vs. State of Punjab)*** and other connected cases, including CRM-M-48918-2018 filed by the petitioner, had dismissed the petitions as withdrawn and had requested the Trial Court to try and conclude the matter within a period of six months from the date of receipt of certified copy of the order. Thereafter, a letter dated 16.04.2021 was received from the District and Sessions Judge, Patiala for extension of time to conclude the trial and the matter was again put up before this Court on 29.06.2021 and vide order dated 29.06.2021 itself the time for concluding the trial was extended by a period of six months from the date of passing of the order. Learned counsel for the State has further pointed out that the trial is proceeding expeditiously and very short dates are being given and the matter is likely to conclude during the period extended by this Court. She has further pointed out that though in the petition it has been mentioned that CRM-M-48918-2018 was filed by the petitioner for grant of interim bail and that the petitioner was granted interim bail, however, the said petition was filed for regular bail and was also disposed off alongwith CRM-M-7214-

2019 vide order dated 13.10.2020.

Heard.

The petitioner in the present case is one of the accused stated to have aided the escape of certain prisoners from the Maximum Security Jail, Nabha. It has also been brought on record during the course of the investigation that the petitioner was an employee at Singh Gun House, Chandigarh and he was the person who had supplied the cartridges and weapons to Channa one of the assailants in the present case. Hence, it would be seen that there are direct allegations against the petitioner in the present case in aiding the escape of prisoners from the Maximum Security Jail, Nabha. Further, this Court, vide orders dated 13.10.2020 and 29.06.2021 has already time-bound the trial and, as per the instructions received by the learned State counsel, the trial is proceeding expeditiously and is likely to conclude within the time as extended by this Court vide order dated 29.06.2021 passed in CRM-17343-2021 in CRM-M-7214-2019. Further, CRM-M-48918-2018 filed by the petitioner was also disposed off along with CRM-M-7214-2019 vide order dated 13.10.2020, which fact has not been disclosed in the present petition.

In view of the above, I do not find this to be a fit case for grant of regular bail to the petitioner. Hence, the present petition is dismissed.

It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

(ALKA SARIN)
JUDGE

04.08.2021
Yogesh Sharma

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO