

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

**CRM-M-35370-2021(O&M)
Date of Decision : 06.09.2021**

Jatinder Singh @ Tony

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Sandeep Vermani, Addl. AG Punjab.

ALKA SARIN, J.

Heard through video conferencing.

This is the second 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 11, 13, 16, 17, 18, 20 of the Unlawful Activities (Prevention) Act, 1967 and Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kotwali, Nabha, District Patiala.

The first petition being CRM-M-7214-2019 filed by the petitioner was dismissed as withdrawn on 13.10.2020 along with a bunch of

connected cases, the lead case being the case of the petitioner i.e.CRM-M-7214-2019, wherein the Trial Court was requested to expedite the trial and 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.

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 and 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 Dhotia, Kulpreet Singh @ Neeta Deol and Kashmir Singh Galwadi 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 it is case of mistaken identity and infact it was one Harpreet Singh @ Tony s/o Sardul Singh r/o Village Jagaddarpur, District Lakhimpur Kheri against whom there are allegations of harbouring accused Gurjit Singh Ladda and for supplying weapons to him and when the Police could not apprehend the said Harpreet Singh @ Tony they mistakenly arrested the petitioner as he is having the same nick-name. It is also contended that no offence under Section 216 IPC is made out against the petitioner and all the allegations are against Harpreet Singh @ Tony and not against Jatinder Singh @ Tony i.e. the petitioner. It has further been contended that the petitioner has been in custody since 19.09.2017 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. He 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, 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. According to him, out of 185 Prosecution witnesses, 66 have been examined, 7 have been given up while 3 have expired.

Heard.

The petitioner in the present case is one of the accused who is stated to have aided the escape of certain prisoners from the Maximum Security Jail, Nabha. The allegation against the petitioner is that he had harboured accused Gurjit Singh Ladda and supplied weapons to him. 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. Out of 185 Prosecution witnesses, 66 have been examined, 7 have been given up while 3 have expired. The ground of mistaken identity raised on behalf of the

petitioner is a matter of trial.

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.

06.09.2021
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(ALKA SARIN)
JUDGE

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