

**222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-16101-2021****Date of decision : 17.05.2022****Gorav Sharma @ Goru Bacha
Vs.****....Petitioner****State of Punjab****...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ****Present:** Mr. B.S.Khehar, Advocate for the petitioner.
Mr. Ramandeep Singh Sandhu, Sr.DAG, Punjab.*********MANOJ BAJAJ, J.**

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.61 dated 23.04.2020 registered under Sections 115, 120-B, 506 and 34 Indian Penal Code, 1860 at Police Station Sadar Shri Muktsar Sahib, District Shri Muktsar Sahib, who is in custody since his arrest on 23.04.2020.

The allegations in the FIR as noticed by the learned Judge, Special Court, Sri Muktsar Sahib in the order dated 24.03.2021 are as under:-

“The present case FIR has been registered on the basis of written complaint filed by Superintendent, District Jail, Sri Muktsar Sahib alleging that while being in judicial custody, accused demanded that extra facilities be provided to him in jail like Helper and mobile phone to him and he also tried to bribe the complainant for the said purpose. But, in terms of the rules, these facilities were not provided to him, due to which he started nursing grudge against the complainant and moved false complaints before Hon’ble Chief Minister, Human Rights Commission and Hon’ble High Court of Punjab and Haryana. To check his activities, 2 recordings of his phone calls made from P.C.O were checked and it was found that he was misusing P.C.O. facility provided for jail inmates and he had been using conference call with his mother and Advocate and he has been talking to suspicious persons and he came to know that he had been using the same cause loss of life to complainant Jail Superintendent and his son and he had been pressurizing the suspected

persons through his mother to eliminate Jail Superintendent and his son and he also has been saying that since he already has moved the complaints against complainant, so, no harm will be done to him, in case plan is executed.”

Learned counsel for the petitioner has argued that though the petitioner is involved in number of cases, but in the present case, he has been falsely implicated by complainant, who is Superintendent District Jail, Sri Muktsar Sahib. He submits that as per allegations, when recording from the phone calls from PCO was checked, it was found that petitioner was talking to his mother and advocate through the conference call, therefore, it has been presumed by complainant that petitioner is planning to eliminate him and others. He submits that if a prisoner is talking to the mother, it cannot be construed as a criminal conspiracy, much less to construe the commission of alleged offence punishable under Section 115 IPC. According to learned counsel, investigation of the case is complete, but the trial is yet to commence, therefore, he prays for his release on bail.

On the other hand, learned State counsel assisted by HC Harjit Singh while opposing the prayer has referred to the custody certificate dated 18.09.2021 filed by way of affidavit of Bhupinder Singh, PPS, Deputy Superintendent Central Jail, Bathinda, to contend that petitioner is accused in number of cases, however, it is not disputed that after framing of charge on 05.10.2021, no prosecution witness has been examined so far out of total sixteen witnesses. He on instructions further submits that case is fixed for 04.06.2022 before the trial Court for recording the prosecution evidence.

After hearing learned counsel for the parties, considering the above background, this Court finds that apart from this case, petitioner is also in

custody in other cases, but considering the nature of the offence and the fact that the trial is yet to commence, further detention of the petitioner in the present case would not be justified. Apart from it, the material witnesses are either police officials or officials of jail and at present there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned/Duty Magistrate.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

17.05.2022

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No