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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Date of decision: 14.01.2022

1. CRM-M-38512-2021

Jagraj Singh

Petitioner

Versus

State of Punjab

Respondent

2. CRM-M-44133-2021

Navesh Chandan

Petitioner

Versus

The State of Punjab

Respondent

3. CRM-M-44316-2021

Malkit Singh

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Edward Augustine Masih, Advocate for the petitioner
in CRM-M-38512-2021.

Mr. Sanjeev Virk, Advocate for the petitioner
in CRM-M-44133-2021.

Mr. P.S. Sullar, Advocate for the petitioner
in CRM-M-44316-2021.

Mr. Amit Mehta, Sr. DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] These three petitions under Section 438 Cr.P.C. are filed for grant of anticipatory bail in FIR No. 194, dated 5th July, 2021, under Sections 420, 120-B IPC, Section 42 of the Prisons Act, 1894 (Sections 7, 12, 13 (1) (b) of the Prevention of Corruption Act, 1988 [for short 'the Act'] were added later on), registered at Police Station Kotwali, District Kapurthala.

[3] As per the case set up Ramanjit Singh came on the main gate of Central Jail, Kapurthala to give clothes to inmate - Surjit Singh. Upon search, one mobile and twelve SIM cards were recovered from his sleepers. Case under Sections 420, 120B IPC and Section 42 of the Prisons Act, 1894 was registered against Ramanjit Singh and Surjit Singh and they were arrested. On 8th July, 2021, Ramanjit made a disclosure statement and named Puneet Kumar @ Sodhi. On 9th July, 2021, Puneet Kumar @ Sodhi was arrested after getting his production warrants. On disclosure statement of Puneet Kumar @ Sodhi, accused Vishal was nominated and arrested on 3rd August, 2021. On disclosure statement of Vishal, accused Harmesh Singh @ Kala and Rohit Khanna were nominated and arrested on 5th August, 2021. Rohit Khanna, in his disclosure statement named Jagraj Singh and Navesh Chandan (petitioners in CRM-M-38512 in 2021 and CRM-M-44133-2021 respectively).

[4] From the disclosure statement of Rohit Khanna it transpired that money was transferred in the accounts of relatives of inmates and was being given to police officials.

[5] Rohit Khanna also named Bagicha Singh who was arrested. He stated that Constable Malkit Singh (petitioner in CRM-M-44316-2021) used to bring money from his house and give it to HC Gurmit Singh and HC Jagraj Singh and he got his share from that amount.

[6] It further stated that HC Navesh Chandan, Charanjit Singh Constable, Malkit Singh and Guard-Harjinder Singh (PESCO) used to collect money from outside. On 23rd August, 2021, provisions of the Act were invoked.

[7] Learned Senior counsel appearing for Jagraj Singh argues that petitioner was named in disclosure statement which has no evidentiary value. No money was credited to the account of Jagraj Singh. There is no corroborating evidence against the petitioner except the disclosure statement. He further submits that the persons who were initially arrested never named Jagraj Singh. It is contended that matter is still under investigation, petitioner is police official and ready to join investigation.

[8] Mr. P.S. Sullar appearing for Malkit Singh argues that petitioner was named in a disclosure statement. There is no reference of the incident of recovery of mobile in the disclosure statement. Petitioner was not having any financial transaction with any of the police officials or inmates.

[9] Mr. Sanjeev K. Virk, appearing for Navesh Chandan submits that petitioner is nominated on the basis of disclosure on disclosure. He was not named in the FIR. There is no direct allegations against the petitioner.

[10] Common argument raised by all the counsel is that the petitioners, being Jail Officials have been nominated due to ill-will of the

inmates.

[11] Learned State counsel on instructions opposes the prayer for grant of bail and submits that in the jail in question 69 cases of mobiles and SIM cards have been detected during last year. The matter needs thorough investigation and a Special Investigation Team has been constituted. He further submits that Jagraj Singh was Head Warden in the Jail, he managed the entire show for providing mobile phone facility to the inmates of the jail. A sum of Rs.15,000 to 50,000/- was being charged. He further submits that the allegations of economic offence also, as the accounts of relatives of inmates were being used for getting the money. He further submits that since nomination the petitioners were absent from the duty and were suspended. The contention is that the petitioners are absconding and in spite of best efforts could not be apprehended.

[12] The nature of allegations in the case in hand are such that it would never be possible that all the accused are named in the FIR. From the pleadings and contentions, it is forthcoming that a well planned chain was formed to ensure supply of mobile phones and SIM Cards in jail and money was charged from the inmates or their relatives.

[13] The evidentiary value of evidence collected would be subject matter of the trial. From the replies filed, it is forthcoming that apart from disclosure statement, statements under Section 164 Cr.P.C. were recorded of effected persons i.e. relatives of the inmates.

[14] The allegations against the petitioners are serious. They all are posted in the Jail, considering their official status and the fact that the machinery was set in motion on recovery from relative of inmate and convicts or under-trials would be witnesses, there is fair chance of

investigation and witnesses being influenced by the petitioners.

[15] The recovery of mobile phone and SIM cards at the main gate gave foundation for inquiry and investigation of larger issue. The matter need a thorough probe to unearth the modus operandi and the specific roles played by the accused. Deeper probe would not be possible if petitioners are clothed with pre-arrest bail.

[16] The petitions are dismissed.

[17] However, it is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[18] Photocopy of this order be placed on the files of connected cases.

[AVNEESH JHINGAN]
JUDGE

14th January, 2022
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | Yes |