

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

**CRM-M-55244-2022
Date of decision : 16.12.2022**

Vikas

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Raj Kumar Gupta, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana
assisted by ASI Arun Kumar.

PANKAJ JAIN, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.271 dated 02.06.2022, registered for the offence punishable under Section 42-A of the Prisoners Act read with Section 115 of IPC at Police Station Industrial Sector-29, Panipat.

2. Counsel for the petitioner submits that the petitioner has been nominated merely on the basis of disclosure statement made by co-accused Sandeep and apart from the said disclosure statement, there is nothing cogent that links the petitioner to the mobile which is alleged to have been recovered to constitute offence punishable under Section 42-A of the Prisons Act, 1894. He further submits that investigation already stands concluded and report under Section 173 Cr.P.C. stands filed. Thus, it is a case wherein the petitioner deserves concession of regular bail.

3. Mr. Ambavta does not dispute the factual assertions based on record. He is not in a position to answer as to where the investigation is headed for. Admittedly, Sim Card is not in the name of the petitioner. The subscriber for such sim card is stated to be a lady by the name of Shilpa who as per State counsel, has been found to be fake. On being asked as to from whose account and from which source the present sim card was being fueled, he feigns ignorance.

4. I have heard counsel for the parties and have gone through the records of the case.

5. Without further commenting on the merits of the case and keeping in view the fact that incarceration already suffered by the petitioner, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

16.12.2022

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No