

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

Sr. No.211

CRM-M-3211-2023

Date of Decision : January 25, 2023

Mohammad Shamshad

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.P.S. Sandhu, Advocate, for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

This petition has been filed for grant of regular bail in FIR No.17, dated 18.05.2022, registered at Police Station State Special Operation Cell, Amritsar, under Sections 3, 4, 5, 9 of Official Secret Act, 1923 and Section 120-B IPC.

Learned counsel for the petitioner submits that the petitioner has been named as an accused in the FIR only on the basis of secret information. Challan stands presented and a perusal thereof shows that the police has not been able to collect any incriminating evidence against the petitioner. The petitioner has been in custody for over 08 months and the trial is not likely to be concluded at an early date as examination of Pws has not yet started. There is no other criminal case pending against the petitioner and thus, he may be granted regular bail.

Custody certificate dated 24.01.2023 checked by Sh. Surinder Singh, Superintendent, Central Jail, Amritsar has been filed in Court. The same is taken on record. A perusal thereof shows that the petitioner has

undergone actual custody of 08 months and 05 days and there is no other criminal case pending against him.

Learned State counsel concedes that examination of Pws has not yet started. Regarding the evidence collected against the petitioner, it is submitted that the call detail records of the petitioner show that he was in touch with the main accused.

It is thus evident that the only evidence against the petitioner is of being in touch with the main accused. No incriminating recovery has been made from him nor the co-accused has mentioned the name of the petitioner in his statement. The trial is not likely to be concluded at an early date and thus, keeping in view the period of custody undergone as well as the fact that there is no other criminal case pending against him, I deem it appropriate to grant him regular bail. Accordingly, the petition is allowed. He is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

One of the conditions of bail shall be that the petitioner shall mark his presence in the local police station on the first date of every month.

January 25, 2023

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No