

2023:PHHC: 081890

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

**CRM-M-8886-2023 and
CRM-M-12116-2023
Date of Decision: 09.06.2023**

(I) RANJIT SINGH @ BILLA PETITIONER

VS

STATE OF PUNJAB ... RESPONDENT

(ii) SANDEEP MASIH AND ANR PETITIONERS

VS

STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present : Mr. S.S.Sarwara, Advocate for the petitioner
in CRM-M-8886-2023

Mr. Umesh Aggarwal, Advocate for the petitioners
in CRM-M-12116-2023.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

GURBIR SINGH, J. (ORAL)

Vide this common order, two petitions i.e. CRM-M-8886-2023 and CRM-M-12116-2023 filed by two different persons, shall be disposed of as the FIR involved in both the petitions is the same, arising out of the same occurrence.

The present petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case bearing FIR No. 208 dated 01.10.2022 Under Sections 223/224 of IPC and Sections

467/473/120-B/212/216 and 25/29/54/59 of Arms Act registered at Police Station Civil Lines, Patiala.

The case in question was registered on the basis of complaint dated 01.10.2022 sent by Superintendent Central Jail, Patiala for the registration of the case against Jail Warder Mandeep Singh, Jail Warder Satpal Singh and under trial Amrik Singh on the allegations that the under trial Amrik Singh was confined in Central Jail, Patiala in three cases. On 30.09.2022, under trial Malkit Singh attacked the detainee Amrik Singh with a sharp edge weapon causing injuries to Amrik Singh- detainee. Senior Medical Officer, Central Jail Patiala declared the emergency for immediate treatment of injured- Amrik Singh. At 7:50 P.M, he was handed over to Jail Warder Mandeep Singh and Warder Satpal Singh and was sent to Government Rajindra Hospital Patiala for treatment. On 01.10.2022 at around 10:30 A.M in the morning, information was received that under trial- Amrik Singh has escaped from custody. Thereafter, the case was registered against Amrik Singh, Jail Wardern Mandeep Singh and Jail Warder Satpal Singh. They were arrested in the said case were released on bail being the offence bailable.

During investigation, Investigating Officer of the case alongwith police party reached Rajindra Hospital Patiala where Kashmir Singh made a statement that he was working at Scooter/Cycle Stand Rajindra Hospital Patiala.

Learned counsel for the petitioners submits that as per version of prosecution, on 01.10.2022, at around 10:00 AM a clean shaven person aged about 40/45 years who had wrapped Parna on his right hand and went

towards Sangrur side. Outside Rajindra Hospital Patiala a white Dzire car No.DL-2CAP-1060 facing towards Patiala side was standing and near that car a man wearing in Parna was standing and was holding a pistol in his hand and 3-4 other persons were sitting inside the car. The person standing outside the car with a pistol shouted Amrik and then he made him sit in the car and escaped by taking the car towards Samana side. Later on, he came to know that the person came running was Amrik Singh. The Investigating Officer received information that case FIR No.303 dated 03.10.2022 under Sections 307,323,34,120-B IPC was registered at Police Station Tripuri Patiala. In that case, accused made a statement that they helped Amrik Singh to escape and he was nominated and arrested in this case. So Sections 467,473,120-B IPC and 25 Arms Act were added. During interrogation, Sandeep Masih made a disclosure statement and admitted their involvement in the escape of the accused-Amrik Singh from the custody. Amrik Singh while in custody made a statement that Dilpreet Singh alias Babbu handed over arms ammunition to the Sandeep Masih. Ranjit Singh Billa drive the car at the time of escape of Amrik Singh.

Learned counsel for the petitioners submits that the petitioners have been nominated on the basis of disclosure statements made by the co-accused. Only allegation against the petitioner Ranjit Singh is that he had driven the alleged car from Rajindra Hospital Patiala. He was neither owner of the car nor any weapon has been recovered from him. The petitioner- Sandeep Masih was not present at the spot. They are in custody since 10.02.2022 in this case. It is further submitted that challan has already been presented. Amrik Singh who had escaped has already been arrested and the statement made by the co-accused in the

custody is hit by Section 25/28 of IPC and he is not admissible for evidence.

The co-accused Dilpreet Singh alias Babbu was released on bail by this Court. The co-accused namely Maninder Singh alias Balaiti and Balwinder Singh alias Billa were already granted bail by the learned trial Court.

Learned State counsel has opposed the prayer made by the learned counsel for the petitioners and has fairly submitted that the petitioner were arrested on 10.10.2022. The challan has already been presented.

Heard.

The allegation against the petitioners is that they helped Amrik Singh in his escape from judicial custody. The petitioners are implicated only on the basis of disclosure statements. The completion of trial will take a long time to decide the culpability of the petitioners. No useful purpose would be served by keeping the petitioners behind bars for a long period.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioners are directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

The petitioners shall get their mobile numbers registered in the trial Court for receiving messages through CIS and shall not change their mobile numbers during pendency of the case. The petitioners shall also get registered said mobile numbers with the concerned police station. In case

of default, the learned trial Court is free to cancel the bail granted to the petitioners.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

A photocopy of this order be placed on the file of other connected case.

(GURBIR SINGH)
JUDGE

09.06.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>