

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60350-2023 (O&M)
Date of order: 07.12.2023

Sandeep Singh
... Petitioner(s)
Versus
State of Punjab
...Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present:- Mr. P.S. Sekhon, Advocate
for the petitioner(s).
Mr. Shiva Khurmi, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
295	29.9.2023	Sadar Mansa, District Mansa	409 IPC 52-A Prisons Act, Sections 7, 8, 11, 13(1), 13(D) of the Prevention of Corruption Act, 1988, Sections 66C, 66D IT Act and Section 27A NDPS Act.

1. Apprehending arrest in the FIR captioned above, the petitioner, who is posted as Pharmacy Officer at District Jail, Mansa and is on probation, had come up before this Court under Section 438 CrPC by way of present petition which was filed on 29.11.2023.
2. In paragraph 14 of the bail petition, the accused declares that they have no criminal antecedents.
3. Counsel for the petitioner submits that the petitioner has joined the investigation and has complied with the conditions stipulated in the interim order. He further submits that the petitioner is only a Pharmacy Officer and apart from first aid, he had to supply medicines as prescribed by the doctor, but the inmates asked for more and he being a probationer, they tried to pressurise him by unnecessarily naming him in the entire controversy. He further submits that the petitioner never carried his mobile phone inside the jail premises. There is no evidence that any phone call was ever made or received from his mobile phone to the family of any inmate from inside the jail. In fact, the petitioner is not entitled to enter the jail premises with mobile phone. He

further submits that although investigation is going on but it is not a case for pre-trial incarceration or custodial interrogation.

4. State has filed reply in Court which is taken on record.
5. I have heard counsel for the parties and gone through the petition as well as the status report dated 4.12.2023 filed by way of affidavit of concerned DySP.
6. Vide order dated 1.12.2023, this Court had granted interim anticipatory bail to the petitioner which is continuing till date.
7. Case of the prosecution as culled out from the reply filed by the State is that one inmate Subhash Kumar @ Subhash Arora after his release from jail on 18.7.2022 gave an interview to media with regard to the illegal activities going in the jail. He had named three jail officials and also alleged that drugs are being supplied in jail, apart from the allegation that mobile phones are being used in jail. On that, the police conducted an inquiry and the same allegations were found to be correct. The role of the petitioner, as mentioned in paragraph 4 of the status report, is extracted here-in-below:-

“4. ROLE OF PETITIONER:

That petitioner is actively involved in the supply of drugs inside the jail and there are certain financial transactions which have been traced and the role of petitioner with respect to both the above aspects is being investigated thoroughly. The custodial interrogation of the petitioner shall be of utmost importance as the matter is very serious and the entire nexus needs to be unearthed.”

8. However, as on date, there is no allegation that the petitioner had received any money. As far as his role regarding supply of intoxicants in jail is concerned, there is no corroborative evidence to the statement of the said inmate.
9. Given above, the petition is allowed and interim order dated 24.11.2023 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

December 07, 2023
AK

Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes