

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.31648 of 2024
Reserved on: 08.08.2024
Pronounced on: 30.08.2024

Sarwan Singh @ Karnail Singh @ Pardeep Singh @ Fauji ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nandan Jindal, Advocate with
Mr. Tushar Sabherwal, Advocate and
Ms. Pallavi Gujral, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
49	17.01.2024	Division No.7, Ludhiana	52-A(1) of Prison Act, 1952, Sections 21, 29, 61, 85 of NDPS Act, 1985, Section 120-B, 34 IPC and Sections 7, 13 of Prevention of Corruption Act, 1988 and 2018

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 439 CrPC, 1973, seeking regular bail.
2. Per paragraph 16 of the bail application and the reply/custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	83	23.10.2021	Under sections 420, 406, 467, 468, 201, 171, 120-B IPC, 1860	Jodhan, District Ludhiana
2.	53/ 2020	--	Under sections 420, 406 IPC	Shahkot Nakodar

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That in compliance to the above noted of this Hon'ble Court, it is humbly submitted that the brief facts of the present case FIR are that on 17.01.2024 SI Janak Raj alongwith other police officials were present at Tajpur Road in connection with patrolling duty, then the said SI received a secret information that since last few days, illegal activities are being carried in Central Jail-Ludhiana



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in which some jail inmates in connivance with their outside accomplices and also in connivance with the jail staff, are carrying illegal activities in jail. It was further informed that the jail inmates through their outside accomplices, get supplied mobile phones and Heroin in the jail and that some of those jail inmates are Mukhtiar Singh, Ashu Arora, Sahil Jindal and Ram Rattan. It was further informed that these inmates through their outside accomplices Dilpreet Singh, Mandeep Kaur and other unknown persons get supplied intoxicant substance and mobile phones inside the jail premises by making online payment through Mobile Applications like PayTM and Googlepay. Accordingly FIR No. 49 dated 17.01.2024, u/s 52-A(1) of Prisons Act, 21 of NDPS Act and 120-B, 34 IPC, was registered at P.S. Division No.7, Ludhiana against (1) Mukhtiar Singh, (2) Ashu Arora, (3) Sahil Jindal, (4) Ram Rattan, (5) Dilpreet Singh and (6) Mandeep Kaur."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

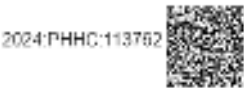
"4. That on 18.01.2024 accused Mukhtiar Singh, Ashu Arora, Sahil Jindal and Ram Rattan were formally arrested and taken into custody in this case/FIR and during their examination, it was revealed that Sarwan Singh alias Fauji (present petitioner), Vijay Kumar, Mohamad Sehjad and Karamjit @ Karmu, who are inmates in the jail, are also indulged in supplying intoxicants in jail in connivance with the above noted arrested co-accused. Accordingly, Sarwan Singh (present petitioner) , Mohamad Sehjad, Karamjit Karmu and Vijay Kumar, were nominated as accused on 19.01.2024 in the present case/ FIR No.49/2024 (Supra).

8. That the petitioner/accused, in co with his other jail inmates and jail officials, used to supply prohibited/intoxicant substance and mobile phones in jail premises and the petitioner being a habitual offender as mentioned above, is not entitled for the concession of bail."

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, per paragraph 5 of the reply to the bail petition, the petitioner has been in custody since 20-01-2024. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case

for bail. This order shall come into force from the time it is uploaded on this Court's



9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

14. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024
Sonia Puri

Whether speaking/reasoned: Yes
Whether reportable: No.