

CRM-M-40208-2024

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

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**CRM-M-40208-2024
Date of Decision: 03.10.2024**

Ram Rattan

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

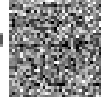
Present : Mr. Gagandeep Singh, Legal Aid Counsel
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.49, dated 17.01.2024 registered under Section 52-A(1) of the Prison Act, Sections 21, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, Sections 120-B, 34 IPC and Sections 7, 13 of the Prevention of Corruption Act 1988 (Sections 21, 61 and 85 of the NDPS Act has been deleted and Sections 29, 61 & 85 of the NDPS Act has been added later on), at Police Station Division 7, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the petitioner has been in custody in the present case since 18.01.2024. It has been submitted that a false case has been planted upon the petitioner for allegedly colluding with co-accused, both Jail Superintendents of the Central Jail, where the petitioner was lodged, and thereafter having supplied intoxicants and mobile



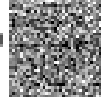
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phones to various inmates of the Central Jail, Ludhiana. It has been further submitted that not only the challan now stands presented in the instant case, but even the charges have now been framed. Hence, further incarceration of the petitioner would serve no useful purposes as none of the 24 witnesses cited by the prosecution have been examined till date.

4. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has reiterated the allegations levelled in the FIR which stands reproduced hereinunder:-

“F.I.R CONTENTS: S.H.O. Jai Hind, today I SI, alongwith CT Krishan 3360/Ldh and CT Rajan 3940/Ldh while riding on private vehicle, for patrolling in the area, was present at Tajpur road near Chungi. Then special informant came present and gave information that illegal activities are being going on inside the Central Jail Ludhiana for some time, in which some of the inmates in the jail are conducting illegal activities in collusion with the prison staff through their acquaintances outside the prison, in which some of the inmates inside the jail are conducting illegal activities through their acquaintances outside the prison. They supply mobile phones and heroin drugs in the jail, among which the persons in the jail are Ashu Arora son of Ramesh Kumar resident of GSB Flat No. 62, Block B, Manakwal Road Ludhiana, Sahil Jindal son of Pawan Kumar resident of House No.6360/16, Mohalla Jagat Nagar, Jassian road Ludhiana, Ram Ratan son of Veero Ram, resident of Shivpuri Chowk Noorwala, road near Santsang Ghar Hambra, Ludhiana and Mukhtiar Singh son of Ranjit Singh resident of Sarhali Kalan, District Tarn Taran in connivance with their accomplices Dilpreet Singh son of Sukhwinder Singh resident of Sarhali, District Tarn Taran and Mandeep Kaur wife Mukhtiar Singh resident of Sarhali Kalan, District Tarn Taran who are outside the jail and other unknown persons supply drugs and mobiles inside the jail through online paytm and google pay money transactions. The information is reliable and trustworthy. It is a gross violation of the law by these persons to do this in the jail. The investigation is required to be carried out by registering FIR. So, more facts could come to light. Therefore the ingredients of offence u/s 52-A (1) Prisons Act 21/61/85 NDPS Act, 120-B, 34 IPC are fulfilled against Ashu Arora, Sahil Jindal, Ram Ratan Mukhtiar Singh,



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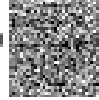
Dilpreet Singh, Mandeep Kaur and other unknown persons. The Ruqa is being sent to the police station through CT Rajan No. 3940/Ldh for registration of FIR against above said persons. FIR be registered and number of FIR be informed. I am busy in investigation. Sd/ Janak Raj SI No. 582/ASR Incharge Chowki Tajpur Police Station Division No. 07 Ludhiana dated 17.01.2024. At place Tajpur Road Near Chungi at 4:00 PM. Today upon receipt the ruqa at police station, FIR for the said offences was registered against above said Ashu Arora, Sahil Jindal, Ram Ratan, Mukhtiar Singh, Dilpreet Singh and Mandeep Kaur and other unknown persons. Original Ruqa alongwith copy of FIR is being sent, through CT Rajan No.3940/Ldh, to the spot for appointed investigating officer SI. The control room has been informed through wireless.”

Learned State counsel has submitted that a specific secret information had been received qua the nexus of the petitioner with the co-accused, and it was only pursuant thereto the petitioner was arrested. Thereafter, recovery of nine mobile handsets was effected from co-accused Gagan Sharma and Satnam Singh, both Jail Superintendents; the mobile handsets were being distributed by the co-accused to the jail inmates.

On a pointed query, learned State counsel, on instructions from SI Bhupinder Singh, has conceded that no recovery of any contraband, much less mobile handsets was effected from the petitioner. However, learned State counsel has submitted that the petitioner has previous criminal antecedents and it is a matter to record that he has been convicted in a case under the NDPS Act for 10 years.

On a further query put to the learned State counsel, he, on instructions from SI Bhupinder Singh, has submitted that post his conviction, the petitioner is serving his sentence in the other NDPS case, in which he has since been convicted.

5. I have heard learned counsel and perused the material on record.



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6. In the present case, the petitioner has been in custody for almost 10 months having been arrested on 18.01.2024. As not disputed by learned State counsel, no recovery of any contraband or even mobile handsets was effected from him. Challan in the present case has been presented and even charges stand framed now.

7. In the given facts and circumstances, as enumerated hereinabove, the instant petition is allowed as the trial will take considerable time to conclude. The petitioner is admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

03.10.2024

monika

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No