

Present:- Shri H.S. Dhanoa Advocate for the bail applicant
Shri H.S. Rakkar Addl.P.P. for the respondent-State

ORDER

This order shall dispose of an application filed by applicant for grant of regular bail in case F.I.R. No.3 dated 15.06.2018 under Section 364-A/383/386/387/212/216-A/120-B of IPC and Section 42,52 of Prisons Act, Section 10,11,13 Unlawful Activities Act 1967 registered at Police Station State Special Operation Cell, Mohali.

2. It has been averred in the application that applicant is in custody since 18.08.2019. Nothing is to be recovered from him. He has no concern with the alleged offence. The trial of the case will take a sufficient time to conclude. The applicant is ready and willing to furnish the bonds. The applicant undertakes not to tamper with the prosecution evidence and will appear before the Court on each and every date of hearing.

3. As per allegations made in the F.I.R, a secret information was received in Intelligence Wing, Punjab that interstate gangsters, smugglers and terrorists have been developing a nexus who are lodged in different jails. Now they with the help of smugglers and terrorist are giving effect to smuggling of arms and narcotic drugs. Out of them, the names of some gangsters are Gurpreet Singh Sekhon lodged at Sangrur Jail, Kulpreet Singh alias Neeta Deol Nabha Jail, Dharminder Singh alias Gugni, Patiala Jail, Jagdeep Singh alias Jaggu, Faridkot Jail, Daljeet Singh alias Bhanna, Amritsar Jail, Deepak Tinu and Jasdeep Singh alias Jaggi Ropar Jail, Monu Ram, Manpreet Singh, Gaurav Kumar present applicant and Karan Kumar, Patiala Jail. They use mobile phones and Internet and are in touch with their other companions and have been running inter national network. They with the help of ISYF organization are receiving arms and ammunition to give effect to some heinous crime and to spread terror causing disturbance in the law and order and peace of the country. On phone they used to threat and have been giving effect of contract killing and receiving ransom amount, dealing in narcotic drugs by giving threats on phone. Outside the jails, Monu Ram, Karan Kumar, Gaurav Kumar (applicant), Manpreet Singh alongwith other persons have been planning

to flee the gangsters from the jail. If they can be raided incriminating articles can also be recovered from them. On the basis of said information, F.I.R. was registered against the applicant and others and thereafter accused/applicant was arrested in this case.

4. A perusal of record reveals that Section 364-A/383/386/387/212/216-A/120-B of IPC and Section 42,52 of Prisons Act, Section 10,11,13 Unlawful Activities Act 1967 have already been deleted and now supplementary challan has been presented under Section 225/120-B/109/117, 505 (b), 511 IPC and Section 25 of Arms Act, Section 84 B, 84C of I.T. Act which are triable by the Court of Judicial Magistrate Ist Class.

5. Initially F.I.R. under Sections 364-A/383/386/387/212/216-A/120-B of IPC and Section 42,52 of Prisons Act, Section 10,11,13 Unlawful Activities Act 1967 was registered against the accused and his co-accused. But during the investigation the abovesaid sections have been deleted and now the supplementary challan has been presented against the accused under Section 225/120-B/109/117, 505 (b), 511 IPC and Section 25 of Arms Act, Section 84 B, 84C of I.T. Act. The abovesaid offences alleged to have been committed by the accused are triable by the Court of Judicial Magistrate. The applicant is in custody since 18.08.2018. No useful purpose will be served by keeping the applicant further in custody for indefinite period. As such, the bail application is allowed and applicant is admitted to bail on his furnishing bail bond in the sum of Rs.1,00,000/- with one surety in the like amount, with the following conditions:-

- I) That he will appear on each and every date of hearing in the Court, till the disposal of this case.*
- ii) That he will not leave the country without prior permission of the Court,*
- iii) That he will not win over the witnesses of the prosecution of this case.*

Ahlmad is directed on furnishing of bonds by the applicant, all the section which have been deleted after the investigation be mentioned in the release order because these sections were mentioned in the custody warrants of the accused when he was arrested. File be consigned to the record room.

P r o n o u n c e d
Dated:-14.08.2019
Balwinder

(Sanjay Agnihotri)
Additional Sessions Judge,
SAS Nagar (Mohali)