



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**(244)** **CRM-M-40710-2025 (O & M)**  
**Date of decision: 04.08.2025**

Ashwani Kumar

... Petitioner

V/s

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

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**JASJIT SINGH BEDI, J. (Oral)**

The prayer in this second petition under Section 483 of the BNSS, 2023 is for the grant of the regular bail to the petitioner in case FIR No.82 dated 26.04.2024 under Sections 120-B IPC, Sections 7 and 8 of the Prevention of Corruption Act, 1988 and Section 42-A of the Prisons Act, 1894 (Section 201 IPC added later on) registered at Police Station City Thanesar, District Kurukshetra.

2. The brief facts of the case are that a complaint No.1404R dated 25.04.2024 was received by the Superintendent of Police, Yamun Nagar from DSP Kamaljit Singh, Yamuna Nagar for registration of a case under Section 120B of IPC read with Sections 7 and 8 of Prevention of Corruption Act, 1988 and Section 42A of the Prison Act, 1894 with the facts that during the investigation of FIR No.387 dated 10.11.2023 under Sections 328, 304 IPC and Section 72A of the Punjab Excise Act, 1914, Police Station Chhappar, (which was registered as four persons had died due to consumption of spurious liquor, whereas, one victim had suffered injuries



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dangerous to life), it was revealed that Shamsheer @ Monu lodged in District Jail, Kurukshetra since 25.01.2022 had hatched a criminal conspiracy with Ankit @ Mogli to manufacture illicit liquor and had also invested money in a liquor vend situated at Phunsgarh Highway. He had invested the money in the liquor business using 'Garvit Trading Company', proprietorship of which firm was in the name of co-accused Pardeep. One of co-accused Kapil had also remained in judicial custody in Kurukshetra with Shamsheer in another criminal matter. It was further revealed during the investigation of the aforesaid FIR that accused Shamsheer managed to get one SIM card in the name of one Vikrant Chauhan which was delivered to him in jail by co-accused Kapil and Pardeep on 09.08.2023 as was substantiated by the statement of Vikrant Chauhan recorded under Section 164 Cr.P.C. Tower location of the said number 7206912494 was found constantly in the telecom tower covering the Kurukshetra Jail area. A mobile phone was also obtained by accused Shamsheer while in jail in July, 2023 and after registration of the FIR No.387 of 2023 PS Chhappar, he burnt the mobile phone along-with the SIM card on 12.11.2023 as per the statement of eye witness Arjun got recorded under Section 164 Cr.P.C. Accused Shamsheer was joined in investigation of FIR No.249 of 2023, PS Farakpur, wherein he disclosed his nexus with certain jail authorities. Thereafter, disclosure statements of accused Kapil and Pardeep were recorded in FIR No.387 of 2023 PS Farakpur, wherein they disclosed that the accused had been shifted from Security Cell (Chakki) to the cell meant for young prisoners (Mundakhana) after paying illegal gratification and thereafter, he was continuously paying illegal gratification on monthly basis at the rate of ₹40,000/- per month through Kapil, Pardeep and Banti etc. to Som Nath



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Jagat, Jail Superintendent, Kurukshetra through Kishori Lal. He was using a mobile phone and availing other facilities including visits (Mulakat) by relatives/friends without any entry in the record of the jail with the assistance of jail officials. Thereafter, the disclosure statement of accused Shamsher @ Monu was recorded on 05.01.2024, wherein he corroborated the above said disclosure statements of accused Kapil and Pardeep. The CDR analysis of co-accused Pardeep, Kapil and Ankit @ Mogli in the above said FIRs and other relevant persons Sunny, Sachin, Banti and Yuvraj revealed that they had met the accused in jail without a formal entry in the record which was corroborated from the evidence based on the tower location of mobile phones and statements. During investigation, statements of Kishori Lal Head Warden, Ashwani Line Officer and Kiranpal Warder, who were posted in District Jail, Kurukshetra were recorded and it was revealed by them that Jail Superintendent Som Nath Jagat directed Kishori Lal Head Warder to ensure visits/mulakats of certain persons with Shamsher without any entry in the Visitors' Register and to provide other facilities against illegal gratification in lieu thereof. Illegal gratification was used to be accepted by Kishori Lal Head Warder on each occasion and ultimately given to Jail Superintendent Som Nath Jagat. It was further revealed during the investigation of above said cases that illegal gratification of ₹40,000/- per month was being paid and accepted for illegal acts of omission/commission like unauthorized visits/mulakat, switching off CCTV Cameras during such visits, usage of mobile phone and not shifting accused Shamsher again to the Security Cell (Chakki). During the period Shamsher @ Monu was lodged in District Jail, Kurukshetra, he frequently met co-accused Kapil, Pardeep, Ankit @ Mogli and other persons Banti, Sunny,



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Sachin and Yuvraj without any formal entry in the Visitors' Register and during those unauthorized visits mobile phones and sim cards were given to accused Shamsher @ Monu. Mobile phones were subsequently used by him to run his liquor business in an unhindered manner. Data extracted from the mobile phones received after examination on 23.04.2024 and CDR analysis supported the nexus with jail authorities as above said Banti, Kapil, Ankit and Pardeep used to talk through normal telephonic call or Whatsapp call/message on the day of such unauthorized visits. As such a request was made to register the matter against Som Nath Jagat, Jail Superintendent, District Jail Kurukshetra, Kishori Lal Head Warder, Ashwani Line Officer, District Jail, Kurukshetra, Shamsher @ Monu and his brother Banti, Pardeep and others in PS City Thanesar.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He contends that, though, the petitioner has been named as an accused, no overt act has been attributed to him. He is not stated to have demanded any illegal gratification from Shamsher Singh @ Monu so as to extend benefit to him and the demand, if any, was made by co-accused Som Nath Jagat. There is no evidence whatsoever that Shamsher Singh @ Monu had paid the present petitioner, Kishori Lal and Kiranpal any amount out of which some amount was kept by them and the rest was given to Som Nath Jagat (Jail Superintendent). In fact, the petitioner has challenged the order framing charges against him in which notice has been issued vide order dated 28.05.2025 (Annexure P-10). As the petitioner is in custody since 31.08.2024, the report under Section 173 Cr.P.C. stands presented but only 01 of the 34 prosecution witnesses has been examined so far, the Trial is not



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likely to be concluded anytime soon. Therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that as per the allegations, the petitioner, Kishori Lal and Kiranpal accepted money from Shamsher Singh @ Monu and gave the amount received to Som Nath Jagat (Jail Superintendent) and they would retain some of the said amount. Therefore, as the offence stands established beyond doubt, the petitioner is not entitled to the concession as prayed for. He, however, concedes that the petitioner is in custody since 31.08.2024 and that only 01 of the 34 prosecution witnesses has been examined so far.

5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated during the course of the Trial. Admittedly, the petitioner is in custody since 31.08.2024 but only 01 of the 34 prosecution witnesses has been examined so far. Therefore, the Trial in the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner, namely, Ashwani Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other case except the present one.



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9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

11. The pending application(s), if any, shall stand disposed of accordingly.

**( JASJIT SINGH BEDI )**  
**JUDGE**

**August 04, 2025**

sukhpreet

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No