

295 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44583-2025 (O&M)
Reserved on: 01.09.2025
Pronounced on: 12.09.2025

KISHORI LAL

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Saurabh Sharma, Advocate for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
82	26.04.2024	Thanesar City, District Kurukshetra	7/8 of Prevention of Corruption Act, 1988 and Section 42 of Prison Act, 1894 (120-B and 201 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. Per paragraph 23 of the bail petition and para 11 of status report, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 04.08.2025 passed in CRM-M-40710-2025, which reads as follows:

“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 dangerous to life), it was revealed that Shamsher @ 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 Shamsher in another criminal matter. It was further revealed during the investigation of the aforesaid FIR that accused Shamsher 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 Shamsher 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 Shamsher 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 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, 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.”

4. Counsel for the petitioner submits that petitioner has been falsely implicated in the present case and there is no direct evidence that Shamsher Singh @ Monu had paid the present petitioner and other co-accused any amount out of which some amount was kept by them and the rest was given to Som Nath Jagat (Jail Superintendent). Petitioner is in custody since 31.08.2024. 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. He further submits that the co-accused, namely, Ashwani Kumar has been granted concession of regular bail vide order dated 04.08.2025 passed in CRM-M-40710-2025.

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:

“6. That the petitioner/accused was arrested on 31.08.2024, petitioner suffered disclosure statement on dated 01.09.2024, however nothing was recovered from the petitioner, but he got demarcated the place of jail premises, where he used to arrange meeting of the relatives of accused Monu Rana. Copy of Disclosure annexed as Annexure R-3.

9. That the petitioner/accused while on his duty in Kurukshetra contacted from his mobile no. 7015092300 to accused Rajesh @ Bunty real brother of Shamsher @ Monu Rana at his mobile no. 8810050009 on dated 16-05-2023 at 2 P.M. for 44 second and opn 02-07-2022 made a call at 11.16 p.m. for 98 seconds. This is clear indicative of the fact that petitioner/accused used to work as a informer between accused Monu Rana detained in side jail and his

outside operatives.call detail is attached as Annexure R-4.”

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 20 of the bail petition, the petitioner has been in custody since 31.08.2024. Per the custody certificate dated 29.08.2025, the petitioner's total custody in this FIR is as of now is more than one year. 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 for 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 official webpage.

9. Given the 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 Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

10. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

11. 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)	

12. This order is subject to the petitioner's complying with the following terms.

13. 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.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

15. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

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

17. In Amit Rana v. State of Haryana, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)
JUDGE

12.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.