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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 39437 of 2017
Date of Decision: 27.10.2014

Sanjeev @ Sanju

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

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

Mr. D.R. Singla, D.A.G., Haryana.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed by the petitioner Sanjeev @ Sanju under Section 439 of the Code of Criminal Procedure to seek regular bail in case F.I.R. No. 134, dated 28.08.2017, registered under Sections 122 and 120-B of the Indian Penal Code and Sections 3 and 5 of the Explosive Act, 1908, at Police Station Brara, District Ambala.

2. The petitioner was arrested in connection with F.I.R. No. 134 on 29.08.2017.

3. Subsequently, challan has been submitted against seven accused persons, including the petitioner, under Sections 122 and 120-B of the Indian Penal Code and Sections 4 and 5 of the Explosive Act, 1908.

4. Contention of Ld. Counsel for the petitioner is that he has been falsely framed in this case and that none of the offences referred to in the challan are actually attracted.

5. Perused the Police case diary.

6. The only material emerging against the petitioner during investigation are the statements of two *chowkidars* of Naam Charcha Ghar, from where large quantities of arms and inflammable were recovered. At the same time, it is also seen that those two witnesses have mentioned the names of certain culprits as being involved in dumping of the seized articles, based on hearsay. *Ex-facie*, therefore, these stray statements do not constitute any substantive implicating material.

7. For the aforesaid reasons, further detention of the petitioner at this stage is no longer justified.

8. In view of above, the present petition is allowed and the petitioner, namely Sanjeev @ Sanju son of Jarnail Singh, is directed to be released on regular bail subject to appropriate terms and conditions to the satisfaction of the Ld. Trial Court/Ld. Chief Judicial Magistrate concerned.

9. No part of any observation made in this order shall, however, influence the final verdict in the case at which the Ld. Trial Court shall arrive at independently on the basis of evidence to be led.

27.10.2017

Apurva

(SUDIP AHLUWALIA)
JUDGE

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No