

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

CRM-M-43962 of 2017

Date of Decision: 28 November, 2017

Gurcharan Singh @ Channa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. GBS Gill, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this regular bail application under Section 439 Cr.P.C are that on 31.8.2017 the petitioner was arrested and from his possession petrol bombs were recovered leading to registration of present case.

Learned counsel for the petitioner contended that there is nothing tangible to show applicability of Explosive Substances Act, 1908 and neither there is any report of the Chemical Analyst and the petitioner is behind the bars from almost two and a half months and that the similarly placed co-accused Sulakhan Singh has been granted this relief by this Court vide orders dated 16.11.2017.

The factual scenario is not disputed by learned State counsel, who though has opposed the grant of bail on the grounds that the petitioner was a constant threat to law and order in the State.

Going through the submissions of the two sides, since

there is no tangible evidence by way of any opinion of the Expert that the petrol in the bottles constituted petrol bomb and in the absence of any concrete evidence against the petitioner, together with the fact that petitioner is behind the bars since last two and a half months and keeping in view the principle of parity and that the trial is not likely to be concluded in near future and no useful purpose would be served by keeping the petitioner behind the bars, without adverting anything on the merits of the case, the present petition for grant of regular bail is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court.

November 28, 2017
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(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No