

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

Decided on: 15.01.2018

1. CRM-M No.42912 of 2017

Momin @ Mobin and another	Versus	Petitioners
State of Haryana		Respondent

2. CRM-M No.47214 of 2017

Mohammad Vakil	Versus	Petitioner
State of Haryana		Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.K. Agnihotri, Advocate
for the petitioners (in CRM-M No.42912 of 2017)

Mr. Vishwajeet, Advocate
for Mr. Vikram Singh, Advocate
for the petitioner (in CRM-M No.47214 of 2017)

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Vide this common order, I intend to dispose of two CRM-M Nos.42912 and 47214 of 2017 titled as '*Momin @ Mobin and another vs State of Haryana*' and '*Mohammad Vakil vs State of Haryana*' as in both the petitions, the petitioners pray for grant of regular bail under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.1059 dated 10.10.2017, for offence punishable under Sections 3 and 4 of the Explosive Substances Act, 1908 (in short 'the Act') and 188 of the Indian Penal Code (in short 'IPC') registered at Police Station City Karnal, District Karnal.

Counsel for the petitioners have submitted that the

petitioners are not involved in any other case and it is a debatable issue whether the alleged recovery from the petitioners would fall within the purview of Sections 3 and 4 of the Act or under Section 9(b) of the Act. It is further submitted that challan has been presented and it will take long time in conclusion of the trial.

Counsel for the petitioner has further argued that as per the investigation of the police, the explosive substances was brought for making fire crackers and not for any other illegal activity. It is also submitted that the petitioners are in judicial custody since 10.10.2017.

Counsel for the State, on instructions from HC Ramesh Kumar, has not disputed the factual position about investigation of the case, however, has opposed the prayer for bail.

Without commenting anything on merits of the case and considering the fact that the petitioners are the first offenders; the petitioners are in custody since 10.10.2017; in investigation it has not come on record that the explosive substance was brought for any illegal activity; conclusion of the trial will take long time, both the petitions are allowed and the petitioners are ordered to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court. However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found involved misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.01.2018
yakub

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