

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1435-2020

Date of Decision: 24.01.2020

Sukhwinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.65 dated 07.09.2019 under Sections 420 and 188 IPC and Section 9-B Explosive Act, 1884, registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab. He apprehended his arrest at the hands of Police.

The FIR relates to recovery of crackers from the house of the petitioner and his brother (co-accused) Nirmal Singh.

On 15.01.2020, the following order was passed by the Court:

“Learned counsel for the petitioner contends that the petitioner was a valid licence holder for storing the crackers under the Explosive Act, 1884 and the said licence was renewed from time to time. The validity of the said licence expired on 30.11.2018 and his application for renewal of the licence is pending with the competent authority. He submits that the recovery has already been

effected and, therefore, his custodial interrogation may not be required.

Notice of motion for 24.01.2020.”

Learned State counsel assisted by ASI Dilbag Singh has not disputed this fact that the petitioner had applied for renewal of the licence.

In view of the above, this Court finds that the recovery has already been effected, therefore, without meaning any expression of opinion on merits of the case, it is ordered that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438 (2) Cr.P.C.

The petition is allowed.

24.01.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No