

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

**CRM-M No.12716 of 2020 (O&M)
Date of Decision :03.06.2020**

Ramandeep Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. L.M.Gulati, Advocate with
Ms. Jasneet Mehra, Advocate for the petitioner.
Mr. Bhupinder Singh Beniwal, AAG, Punjab.
(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual Court)

ARUN PALLI, J. (Oral):

The petitioner prays for a regular bail under Section 439 of Cr.P.C in FIR No.185 dated 05.09.2019, under Sections 304, 427 of IPC and Sections 3, 4 and 5 of Explosive Substance Act, 1908, registered at Police Station Civil Lines, Batala, District Gurdaspur, whereas Sections 308, 435 and 436 of IPC were added subsequently.

As per the prosecution version the FIR was registered on the basis of a ruqa sent by Mukhtiar Singh Inspector/SHO on 04.09.2019, while he was present at Qadian Octroi, Batala, along with other police officials in connection with marriage anniversary celebration of Shri Guru Nanak Dev Ji. A secret information was received that family of one Jaspal Singh son of Satnam Singh was engaged in the business of fire crackers (Aatishbazi) under the name and style '**Jaspal Fire Works**' in Guru Ram Dass Colony

near Hansli Bridge drain. As per the information lot of explosive substance/material for the purpose of manufacturing fire crackers was stored in the factory. It was around 3.30 P.M. there was a loud explosion as a result of which had people died and number of them were injured. Even the adjoining buildings suffered a damage. Thus, despite being conscious that owing to storage of so much of explosive material an accident could take place the heirs of Jaspal Singh still stored such explosive substance in the factory.

Learned counsel for the petitioners submits that he has neither been named in the FIR nor there exists any cogent/conclusive material to connect him either with the factory or with the alleged business i.e. Jaspal Fire Works. Undoubtedly, he submits that petitioner happened to be the cousin of Jaspal Singh, who had died in 2018 itself. In fact, the alleged business was being conducted by his son Paramjeet Singh, who too unfortunately, along with the two real brothers of the petitioner namely Vikramjit and Amrit Pal, lost his life in the alleged occurrence. As regards the petitioner, he asserts that he was running an independent business adjacent to the factory, and was implicated on the statement of Harpreet Singh @ Tinku son of Satnam Singh, who runs a motor garage in the neighbourhood.

As opposed to this, learned State counsel submits that petitioner along with his two brothers were very much a part of the business being conducted under the name and style '**Jaspal Fire Works**' with Paramjeet Singh son of late Jaspal Singh, and thus, cannot claim to be innocent.

As regards the argument of the learned State counsel: suffice it

to say that on being pointedly asked if there was any cogent or conclusive material to show if the petitioner was in occupation, possession, and control of the factory and/or a partner in the business i.e. Jaspal Fire Works all what he referred to was that the statement of Harpreet Singh @ Tinku, who runs a motor garage in the neighbourhood. Concededly, the petitioner is in custody since 24.09.2019 and a period of almost 9 months have gone by.

In the wake of the above, it would be just and appropriate to release the petitioner on regular bail.

Accordingly, the petition is allowed and the petitioner is ordered to be enlarged on bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/ Duty Magistrate, Gurdaspur.

Needless to assert that this order as also the observation made hereinabove shall not constitute any expression of opinion on the merits of the case.

(ARUN PALLI)
JUDGE

03.06.2020

Manoj Bhutani

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