

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Criminal Miscellaneous No.M-40174 of 2020

Date of Decision: *December 03, 2020*

Khazan Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE SANT PARKASH**

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PRESENT: - Mr. Gursimran Singh Madaan, Advocate, for the petitioner.

Mr. Gaurav Garg Dhuriwala, Senior Deputy Advocate General, Punjab.

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Sant Parkash, J

This petition has been preferred under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.217 dated 05.11.2020 under Sections 188, 286 IPC read with Sections 3, 4, 5 of the Explosive Substance Act and 9B of Explosive Act, 1908, registered with Police Station, Division No.3, Jalandhar.

As per the prosecution case, a secret information was received by the police regarding the illegal storage of huge quantity of crackers by Gurdeep Singh @ Gora with the assistance of petitioner.

Learned counsel for the petitioner has contended that recovery has already been effected. The only allegation against the petitioner is that he assisted his son in conducting the business of crackers. Nothing is to be recovered from the petitioner. Petitioner is a senior citizen and is suffering from various diseases. Petitioner is ready to join investigation.

Learned State counsel fairly concedes that though son of petitioner was apprehended with 44 boxes of fire crackers 15 boxes of flying crackers during the raid conducted by the police on 05.11.2020, nothing was recovered from the petitioner and only prayer made by State counsel is that he should be directed to join investigation.

Keeping in view the peculiar facts and circumstances of the case and without commenting on the merits of the case, petition is allowed and it is directed that in the event of arrest of the petitioner, he should be released on bail to the satisfaction of the arresting officer and shall abide by the following conditions enshrined under Section 438(2) Cr.P.C.:-

- (i) that he shall make himself available for interrogation as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat of promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not leave India without the previous permission of the Court.

(Sant Parkash)
Judge

December 03, 2020
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No