

In virtual Court

CRM-M-39857-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-39857-2020 (O&M)
Date of decision: 03.12.2020

Gopal Krishan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.407 dated 11.11.2020 under Sections 286, 188 IPC and 3/4 of Explosive Substances Act, 1908, registered at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner submits that as per allegations in the FIR, the police party, while on checking, received a secret information that the petitioner has kept crackers/explosive substance in huge quantity in his house in a store room in a thickly populated area and it can cause harm to the property. It is further submitted that in fact, the petitioner has been granted the

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licence by the office of Deputy Commissioner-cum-District Magistrate, Faridkot on 11.11.2020 for the sale of crackers on the eve of Diwali and Guru Purab. The only allegation against the petitioner is that licence was only for the store and sale of the crackers in open place, whereas the recovery was effected from his house. It is further submitted that the petitioner is in custody since 11.11.2020 and investigation is complete.

Learned State counsel has, however, submitted that challan is yet to be presented. It is further submitted that the petitioner has misused the condition of licence by storing the crackers at his house instead of his shop.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the FIR was registered on the same day, when the licence was granted to the petitioner and the competent authority has assigned the specified place to the petitioner for the sale and store of the crackers, how the petitioner has violated the provisions of Explosive Substances Act, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

03.12.2020
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No