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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-1798-2021 (O&M)
Date of Decision: 19.01.2021

Anoop Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishavdeep Singh Rana, Advocate for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

The prayer is for grant of bail in case FIR No. 81 dated 30.6.2020 under Sections 323, 427, 34 IPC (Section 307 IPC added later on) and Sections 3 and 4 of Explosive Substances Act, 1908 registered at Police Station Baghapurana, Moga.

FIR was registered at the instance of Chhotu Ram Thakur @ Phully Thakur. It was stated that his nephew Gurdeep Singh @ Sonu Thakur was employed with DTDC Courier International Services at Nihal Singh Wala. His father also worked there but he was ill and hence nephew used to take him to the head office of DTDC at Bhagat Singh Market Moga. On 30.6.2020 they brought 5 big parcels and 3 small parcels in a bag. They carried the same on motor cycle bearing registration No. PB-69-C-5807. On their way, they stopped and the complainant started smoking Birhi. When he was clearing the ash

suddenly a blast took place and caused injury in his right calf. Somebody had kept the blast material under the brick. There was an extra judicial confession made by the petitioner before Sukhminder Singh, retired Home Guard Personnel.

Mr. Vishavdeep Singh Rana, learned counsel for the petitioner submits that the petitioner was not present at the spot; he has not been specifically named in the FIR; no recovery is to be made; the petitioner is behind bars since 4.7.2020 and the challan has been presented.

Ms. Samina Dhir, learned Deputy Advocate General, Punjab opposes the prayer and states that there are serious allegations. She submits that Gandhak (sulphur) and Sora was used as explosive material, during investigation it was found that the material was actually placed in front of shop of one Raju and it was accidentally that the complainant got injured in the explosion.

Considering that the petitioner is in custody since July 2020; no recovery is to be made; investigation is complete and conclusion of trial would take time, the petitioner is directed to be released on bail subject to his furnishing of surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

The petition is disposed of.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

19th January, 2021

pankaj baweja

Whether speaking/reasoned
Whether reportable

Yes
Yes