

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

CRM-M-7468-2021

Date of decision-22.02.2021

Manoj Kumar Jain

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pankaj Jain, Senior Advocate with
Mr. Sachin Bhardwaj, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.560 dated 31.10.2020 registered under Sections 285, 286, 420, 467, 468, 471, 120-B, 201 and 34 Indian Penal Code, 1860, Sections 20, 21 and 22 Fire Act, 2009, Sections 9-B and 12 Explosive Act, 1884 and Sections 61, 1 and 20 Excise Act, 1944 at Police Station Kundli, Sonipat. The petitioner is in custody since his arrest on 30.10.2020.

The FIR was registered on the basis of secret information and the allegations as noticed by the learned Addl. Sessions Judge, Sonipat in the order dated 05.01.2021 are as under:-

“As per the prosecution case, the applicant was found unauthorized cracker in huge quantity in his possession without any permit or licence. He being owner of the factory along with co-accused was also involved in preparing crackers in his factory without any permit or licence and thereby caused huge loss to the state exchequer. During raid, huge quantity of raw material

for preparing crackers i.e. four drums of plastic containing 200 liters Etheline in each drum, ten cans of Nitric acid containing 35 liters each, 300 bags of stones, 80 pouches (09kg in each pouch) of prepared mixture total weighing 720 Kg, 35 bags of crackers and 19 manufacturing and packing machines, 20 plastic roles, 60 bikar glass laboratory, one compressor, one electric weighing machine, 40000 small empty packing boxes and 300 empty cartoons of cardboard were recovered from the factory of the applicant/accused. Many other serious violations were also found at the factory during raid by the police and other Government agencies.”

Learned Senior counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of drivers, who stated that the premises was being used for manufacturing of crackers. He further submits that investigation of the case is complete as the final report stands filed on 22.12.2020, however, charges are yet to be framed, therefore, trial is likely to consume considerable time to conclude. He prays that the petitioner be released on regular bail.

On the other hand, learned State counsel assisted by SI Sumer has opposed the prayer, however, it is not disputed that the investigation of the case is complete. He further on instructions submits that case is fixed for 24.03.2021 before the trial Court for framing of the charges.

After hearing the learned counsel for the parties, this Court finds that investigation of the case is complete, but the charges are yet to be framed, therefore, the trial is likely to take considerable time to conclude. Apart from it, material witnesses are the official witnesses and there does not seem to be any possibility of there being won over. Presently, the petitioner is confined in judicial custody after his arrest on 30.10.2020, and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

22.02.2021

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No