

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-9349 of 2021

DATE OF DECISION: APRIL 22, 2021

VIMLESH @ AJAY

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. PANKAJ JAIN, SR. ADVOCATE
WITH MR. SACHIN BHARDWAJ, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

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 Section 285, 286, 420, 467, 468, 471, 120-B, 201 and 34 IPC, Section 20, 21 and 22 Fire Act, 2009, Section 9-B and 12 Explosive Act, 1884 and Sections 61/1/20 Excise Act, 1944, 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. He submits that the co-accused of the petitioner, namely, Manoj Kumar Jain has already been granted regular bail by this Court on 22.2.2021. He further submits that investigation of the case is complete and 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 today before the trial Court for framing of the charges.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the co-accused of the

petitioner has already been released on regular bail by this Court. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clamp down the contagion, and it would further delay the conclusion of trial. Admittedly, the petitioner is not involved in any other case of similar nature. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 30.10.2020.

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.

April 22, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No