

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

201

**CRM-M-31119-2020(O&M)
Date of Order:05.01.2021**

AMRIK SINGH @ MANGA @ NONA

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sanjeev K. Virk, Advocate
for the petitioner.

Mr. S.S.Deol, DAG, Punjab

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing,
on account of restricted functioning of the Courts.

This is second petition for grant of regular bail pending trial in
a criminal case arising from FIR No.173, dated 15.06.2006, registered under
Section 307 IPC and Section 3/4/5/ of the Explosive Act, 1908, at Police
Station, Division No.6, Jalandhar.

The case of the prosecution has been noticed by learned
Additional Sessions Judge, Jalandhar, in para 2, of its order, which reads as
under:-

“The prosecution story in brief is that on 24.05.2006 at about 700 PM ASI Manmohan Singh alongwith Other police officials had heard the noise of explosion at a place in between the Police Post Bus Stand and the scooter Stand. The said explosion had taken place on account of catching of fire by the garbage lying underneath the wooden benches at the said place. Similarly, there was some fire near the rear tyre of the bus bearing registration No.PB-08AB-9975 being plied by the Punjab Roadways under the kilometer scheme. It appears that some spark of the fire which had broken out

under the above said wooden benches and scattered towards the tyre of the bus. The fire was extinguished by ASI Manmohan Singh with the help of other police personals. Since, no damage to the life and property was caused by the occurrence and the same appeared to be accidental one and as such a report regarding this incident was entered in the DDR register at serial no.31. However, on the search of the adjoining area, one iron pipe and the piece of the plastic were recovered, which were sent to the FSL Laboratory in Chandigarh. The said Laboratory has reported that some explosive substance comprising a mixture of sulfur and inorganic nitrate has exploded in this case and the cylindrical device referred above was the improvised explosive device which was possibly kept in a bag or suitcase having plastic handle. On the basis of said report FIR No.173 dated 15.06.2006, u/s 307 IPC was registered at Police Station Division No.6, Jalandhar. During the course of investigation, it came to the notice of the investigation officer that accused Satnam Singh alias Satta had confessed during the investigation of FIR 120 dated 14.06.2006 that he was behind the said explosion. He was arrested in this case. He disclosed that he had managed the said explosion in pursuance of the conspiracy with Salwinder Singh alias Happy son of Kishan Singh presently residing in U.S.A. Ranjit Singh alias Neeta resident of Jammy, presently residing at Pakistan and Amrik Singh resident of Marin, P.S. Nakodar, District Jalandhar. The statement of the witnesses recorded. After completion of the necessary investigation, challan was prepared and the same was presented in the court of Illaqa Magistrate.”

The first application filed by the petitioner was dismissed as withdrawn on 03.09.2019. The petitioner is in custody since 31.03.2019. Out of 25 prosecution witnesses proposed to be examined, the deposition of only one witness has been recorded. The co-accused of the petitioner, namely, Satnam Singh has already been acquitted on conclusion of separate trial of the case.

On a court question, learned counsel, for the State, has admitted that as per police report, the petitioner has been nominated as an accused on the disclosure statement of Satnam Singh. On a further court question, he

admitted that apart from the aforesaid statement, there is hardly any evidence/material connecting the petitioner with the alleged crime. Learned State counsel has admitted that the petitioner does not have criminal antecedents.

Admissibility of the disclosure statement of the co-accused against the petitioner is highly doubtful. Without commenting on the merits of the case and keeping in view the fact that the petitioner is in custody since 31.03.2019 and the conclusion of the trial is likely to take long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the trial Court/Duty Magistrate.

Accordingly, the present petition is allowed with the aforesaid directions.

January 05, 2021
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No