

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

CRM-M-44144 of 2020

DECIDED ON: 8th JANUARY, 2021

Manoj Kumar

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. V.S. Rana, Advocate for the petitioner.

Ms. Samina Dhir, DAG, 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 Markit 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

Learned counsel for the petitioner submits that the petitioner has not been specifically named in the FIR; no recovery is to be made; the petitioner is behind bars since 4.7.2020 and challan has already been presented.

Learned State counsel opposes the prayer and states that there are serious allegations and on instructions from SI Gurtej Singh submitted that *Gandhak (sulphur) and Sora* was used as explosive material. It is submitted 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 said 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.

(AVNEESH JHINGAN)
JUDGE

8th JANUARY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>