

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

**CRM-M-7965-2022
Date of decision: 28.04.2022**

Suresh Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 10 dated 23.01.2022, registered under Sections 4 and 5 of the Explosive Substances Act, 1908 and Section 188 of the IPC at Police Station Satnali, District Mohindergarh, Haryana.

The operative part of the order dated 24.02.2022, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that though the petitioner does not deny that the wire in question was lying at his house, though he was not present at the time when the raid was conducted and his father and younger brother were present, yet, with the petitioner having no criminal background at all, simply a wire lying at his house without any explosives, the intention was never to use it in any harmful manner, the intention being to use it for agricultural purposes only, while digging wells.

Whereas even if it was to be used for 'attaching' it to a detonator and explosives for agricultural purposes, that

could not have been done by the petitioner; yet, with him not stated to be of a criminal background, and the intention possibly not being of any criminal nature, with the wire allegedly having been purchased 4 to 5 years earlier and not misused, notice of motion is issued.

Mr. Neeraj Poswal, learned AAG, Haryana, accepts notice at the asking of the Court on behalf of the respondent-State and submits that as per his instructions so far the petitioner does not have any criminal background but with him having kept such kind of wire as is used in explosives, he has transgressed the provisions of Sections 4 and 5 of the Indian Explosives Act, 1908 and Section 188 of the IPC and consequently, does not deserve to be released on bail.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 24.02.2022, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from the Investigating Officer and on the basis of the affidavit of the DSP, Mahendergarh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 24.02.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

28.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

*Whether speaking/reasoned
Whether reportable*

*Yes/No
Yes/No*