

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

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**CRM-M-16531-2022 (O&M)
Date of decision: 19.07.2022**

SOMBIR

....Petitioner(s)

Versus

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Ashish Yadav, Additional AG Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.09 dated 23.01.2022 under Sections 4 and 5 of the Explosive Substances Act, 1908 and Section 188 of the Indian Penal Code, 1860 (Section 120-B of the Indian Penal Code, 1860 added later on) registered at Police Station Satnali, District Mohindergarh.

In a nut shell, the case of the prosecution is that on 23.01.2022, after receiving secret information, a raid was conducted by the police officials in the house of Sombir. During search, a white plastic bag was found in the house wherein explosive substance was recovered. On asking, petitioner-accused Sombir failed to produce any licence or permit regarding the explosive substance recovered from the house. Thereafter, the recovered explosive substance was taken into possession by the police. Ultimately, present FIR was registered. petitioner-Sombir was joined in the investigation and thereafter, he was taken into custody by the police on the same day i.e. 23.1.2022. During investigation,

petitioner-accused suffered disclosure statement and in pursuance of it, he got demarcated the place from where he purchased the explosive substance. Later on, Section 120-B of the IPC was added to the case.

Learned counsel for the petitioner contends that the petitioner is in custody since 23.01.2022 and is not required for any further investigation of the case. Besides, the challan has already been presented and the petitioner does not suffer from any criminal antecedents. He further submits that the Police had only recovered explosive substance from the possession of the petitioner and that despite concluded investigation there is no allegation against the petitioner to have indulged in any unlawful activity. It is also submitted that the co-accused of the petitioner namely Dr. Ashok Kumar Saini has also been granted the concession of regular bail vide order dated 09.03.2022 passed in CRM-M-8640-2022.

Learned State counsel however urges that recovery of explosive material has been effected from the possession i.e. house of the petitioner and that three witnesses out of 10 witnesses relied upon by the prosecution have already been examined. Learned State counsel could not controvert the fact that the petitioner does not have any criminal antecedents, even though the explosive was recovered from the possession of the petitioner. Furthermore, there is no allegation of the petitioner having indulged in any unlawful activity or being involved in any conspiracy to put the aforesaid explosive to use or to commit any crime. It is also not disputed that the petitioner has already undergone the actual custody of nearly 06 months.

I have heard learned counsel for the parties and have perused the material on record.

Taking into consideration that the investigation in the case has already

been completed and no recovery is to be effected along with the clean antecedents and also the stage of trial along with the fact that co-accused has already been granted the concession of bail, I deem it appropriate to enlarge the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

(VINOD S. BHARDWAJ)
JUDGE

July 19, 2022

S.Sharma(syr)

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