

CRM-M-42278-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42278-2021
Reserved on: 22.08.2022
Pronounced on: 27.09.2022

Major Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA
Present: Mr. Karamjit Singh Mangat, Advocate for the petitioner.
Mr. H.S. Sitta, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
127	08.05.2021	Beas, Distt. Amritsar	4 & 5 of Explosive Substance Act

1. The petitioner, incarcerated upon his arrest in the FIR captioned above, has come up before this Court under Section 439 of Code of Criminal Procedure, 1973 (CrPC) seeking bail on merits and in the alternative on medical grounds of infection in the intestine.
2. In paragraph 13 of the bail petition, the accused declares that he has no criminal antecedents.
3. The investigation found the petitioner’s involvement and he was arrested.
4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
5. While opposing the bail, Ld. counsel representing the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

6. Based on secret information, the police raided the petitioner’s premises and recovered a hand grenade. After its recovery, it was forwarded to the Army authorities, who defused it and issued a destruction certificate. There is sufficient prima facie evidence to connect the petitioner with the recovered hand grenade.

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7. A perusal of the bail petition does not mention that the police had planted the hand grenade or he had inimical relations with police, or all this was done at someone's instance. The petitioner seeks bail by stating that the recovery is yet to be proved, and as such, till it is proved, he is entitled to be released on bail.

8. While considering the bail petition of the persons possessing the weapons of mass destruction, the courts must consider the after-effects of such product, which has been designed to cause maximum loss of human lives by ensuring to terrorize the society and challenging the sovereignty of a State and its capacity to primary law and order in its territories, and making its citizens extremely insecure. These people who lack empathy, kindness, compassion, and extreme cruelty need to be brought back to the societies manifold through political dialogue, but for that purpose alone, they are not entitled to bail unless the accused establishes a change of heart and mind.

9. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail on merits.

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

27.09.2022

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Whether speaking/reasoned:

Yes

Whether reportable:

No.