

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

**CRM-M No. 17006 of 2023 (O&M)
Date of Decision: 03.04.2024**

Kanwarpal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.K. Mehta, Advocate
for the petitioner.

Mr. Kewal Singh, Additional Advocate General, Punjab
assisted by ASI Lakhbir Singh.

HARKESH MANUJA, J. (ORAL)

The petitioner, by way of present petition filed under Section 439 Cr.P.C., seeks grant of regular bail pending trial in case bearing FIR No.110 dated 22.09.2021, under Section 307 of IPC; Sections 25/54/59 of Arms Act; Sections 3, 4 & 5 of Explosive Substances Act; Sections 13, 18 & 20 of the Unlawful Activities (Prevention) Act, 1967, registered at Police Station Bhikhiwind, District Tarn Taran, wherein he has been implicated with the allegations of having possessed a live hand grenade of blue colour and IED, as recovered at the time of his arrest.

[2] Learned State Counsel vehemently opposes the prayer for grant of regular bail to the petitioner while referring to the allegations levelled against the petitioner, besides his involvement in two more cases i.e. (i) FIR No. 217 dated 30.08.2021, registered at Police Station City Tarn Taran; and (ii) FIR No. 90 dated 19.09.2018 at Police Station Sadar, Banga, involving

Section 302 of IPC.

[3] I have heard learned counsel for the parties and gone through the paper-book and find substance in the submissions made on behalf of the petitioner.

[4] In the present case, the petitioner is behind the bars since 22.09.2021; the investigation already stands concluded with the filing of challan followed by framing of charges wayback on 13.09.2022; however, even after the expiry of more than one year and six months, not even a single prosecution witness has been examined, out of total 22 cited by the prosecution.

A perusal of the zimni orders of the trial Court, which have been referred before this Court by the learned counsel for the petitioner, show that either the petitioner and the other accused have not been produced before the trial Court or the witnesses from the side of prosecution are not present; thus, apparently, it is the prosecution agency, which is delaying the trial, whereas the petitioner is in custody for the past more than two and half years.

Furthermore, even no report has been received from the FSL with regard to the fact as to whether the live hand grenade, as allegedly recovered from the petitioner, was live or not.

Moreover, with regard to the involvement of the petitioner in two more cases, it has been pointed out by the learned counsel for the petitioner that in FIR No. 217 dated 30.08.2021 (supra), the petitioner already stands discharged, whereas in another FIR No. 90, dated 19.09.2018 (supra), learned State Counsel points out that an untraced report has been

prepared and the same has been sent for approval. Thus, considering the aforesaid facts, I do not find any reason to extend the incarceration of the petitioner any further.

[5] In view of the above, but without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is **allowed** and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the Trial Court / Illaqa Magistrate / Duty Magistrate concerned.

[6] It is made clear that this order may not be construed as an expression of opinion on the merits of the case.

April 03, 2024
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No