IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-43422 of 2016 (O&M)
Date of Decision: December 08, 2016

Vijay Kumar and another

...Petitioners

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vijay Kumar Jindal, Senior Advocate with
Mr.Janya Sirohi, Advocate
for the petitioners.

Mr.Vikramjit Singh, Addl. Advocate General, Haryana
for the respondent-State.

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INDERJIT SINGH, J.

Petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.69 dated 25.11.2016 under Sections 304 and 337 IPC, registered at Police Station Sanoli Panipat, District Panipat.

Notice of motion was issued and learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been got registered on the statement of Sunil Sharma. As per the complainant, on 25.11.2016 at about 4.00 P.M., he was doing the work on *dhaga* machine in

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the factory. Then, fire spread over in the entire factory and due to fire, poisonous smoke spread in the factory. Due to the narrow gate of the factory and due to lack of fire extinguishing equipments, suffocated smoke could not go outside. The complainant further stated that as per his knowledge, seven workers namely Vinod, Ram Chander, Rajwanti, Sanno, Ajit, Sombir and Triloki have died.

At the time of arguments, learned State counsel argued that eight persons have died in the fire due to lapse of the present petitioners, who are the owners of the factory. They have installed narrow gate in the factory and there were no fire extinguisher equipments. It is further argued by learned State counsel that the petitioners being owners of the factory, were knowing that it is a *dhaga* (thread) factory, therefore, chances of spreading of fire are there but they have not taken any step to provide alternative or emergency gates, so that in the event of fire, there should not be any casualty. Learned State counsel argued that it was in the knowledge of the petitioners that fire can take place and workers can die due to burn injuries and that has happened.

Learned counsel for the petitioners cited judgment passed by the Hon'ble Supreme Court in ***Keshub Mahindra vs. State of Madhya Pradesh, 1996(6) SCC 129***. I have gone through the above-cited judgment, in which, it is held by the Hon'ble Supreme Court that in each facts and circumstances of the case, it is to be inferred whether the case falls under Section 304 or 304-A IPC.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I do not find it a fit case where

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petitioners are entitled to benefit of anticipatory bail.

Therefore, finding no merit in the present petition, the same is dismissed.

December 08, 2016 **(INDERJIT SINGH)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **No**

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