

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

CRM-M-37263-2018

Date of Decision: 26.09.2018

Munish Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. R.S. Rai, Sr. Advocate with
Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Luvinder Sofat, A.A.G. Punjab.

Mr. S.P.S. Aulakh, Advocate
for respondent No.2.

P.B. BAJANTHRI J. (Oral)

Application for impleadment of respondent No.2 was allowed
on 18.9.2018. Extract of the order dated 18.09.2018 reads as under:

“The application is allowed as prayed for. All India LPG Distributors Federation (Punjab State)” being an aggrieved person is impleaded as respondent No.2 subject to all just exceptions. Amended memo of parties is ordered to be taken on record at an appropriate place.”

However, respondent No.2 has no locus standi to this petition.

2. In the instant petition, petitioner has sought for anticipatory bail under Section 438 Cr.P.C in case FIR No.278 dated 09.08.2018 registered under Sections 420 and 336 IPC and Under Section 7 of E.C. Act, 1955 at Police Station Division No.5, Ludhiana, District Police Commissionerate Ludhiana.

3. Allegations against the petitioner are that he is also involved in illegal transmitting of gas from one cylinder to another cylinder in order to earn profit with reference to commercial and domestic categorized gas cylinder. Petitioner's name has been cropped up on the arrest of one Sarfraz

and Sushil who were caught while doing illegal

activities with reference to transmitting gas and seizure of gas kit and 30 cylinders.

4. Learned counsel for the petitioner vehemently contended that he was transporter for rendering service to the M/s Nirjag Gas like delivery of domestic gas to the inhabitant of the area. About six months back, he has left the contract with M/s Nirjag Gas and started working with some other gas agency. As on that date at the behest of the M/s Nirjag Gas, petitioner has been falsely implicated. It was also submitted that there is no complaint from domestic customer in respect of supply of under weight cylinder and utilizing gas from their cylinder to earn profit. The entire allegations have been cropped up with reference to Sepoy Agency who has informed the police. Therefore, petitioner is entitled to anticipatory bail as no material has been made available against the petitioner.

5. Per contra, learned counsel for the State submitted that based on the Sepoy Agency information police personnel have raided and taken into possession gas kit alongwith 33 cylinders while arresting Sarfraz and Sushil Kumar. Arrested persons have disclosed the name of the petitioner to the extent that he is also involved. Therefore, custodial interrogation is required and petitioner is not entitled to anticipatory bail.

6. Perusal of the FIR and the contentions of the parties, it is evident that petitioner is alleged to have involved in the illegal activities like transferring gas from domestic to commercial or some other like small cylinders in order to make illegal profit. Petitioner has not made any allegation against Sarfraz and Sushil Kumar so as to contend that petitioner has been implicated falsely. Moreover, alleged illegal activities are dangerous to human life for the reasons that transmitting of gas from one

cylinder to another cylinder in the absence of valid licence or permission would amount to illegal activities and if such activities are taken at unauthorised place would be in violation of regulating relevant provisions governing filling of gas in the cylinders. Hence, petitioner has not made out a case so as to seek the concession of anticipatory bail.

7. Accordingly, petition stands dismissed.

26.09.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**