

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

Date of decision : 29.05.2019

1. CRM-M No.22265 of 2019 (O&M)

Narender Taneja Petitioner

versus

State of Haryana Respondent

2. CRM-M No.23114 of 2019 (O&M)

Bharat Bhushan Petitioner

versus

State of Haryana Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Gurinder Pal Singh, Advocate
for the petitioner (CRM-M-22265-2019).

Mr. J.S.Bedi, Senior Advocate
with Mr. Akashdeep Singh, Advocate
for the petitioner (CRM-M-23114-2019).

Mr. Surender Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

This order shall dispose of above mentioned two petitions.

CRM-M-22265-2019 has been filed for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.0194 dated 15.04.2019 registered under Sections 4/6 of the Explosive Substances Act, 1908 and Sections 304-II/308/34 IPC at Police Station Sector 10, Gurugram, Haryana.

And *CRM-M-23114-2019* has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.194 dated 15.04.2019 registered under Sections 4/6 of the Explosive Substance Act, 1908 and Sections 304 (II) (304-A as per FIR)/308/34 IPC at Police Station Sector 10, District Gurugram.

As per the allegations, some crackers were being unloaded when there was a fire incident and even loss of life was reported. In the FIR the allegation made is that the storage of crackers in a populated place itself is illegal.

However, the learned counsel for the petitioner/s have argued (and this has been accepted by the State counsel on instructions from ASI Ram Parkash) that the premises were duly licensed to keep crackers.

Resultantly, this alleged illegality cannot be pinned on the shoulders of stockist. The second argument which has been raised today is that there is a possibility that the crackers which were being unloaded had certain un-approved chemicals as ingredients.

Counsel for the petitioner/s have argued that this aspect can only be determined after the receipt of the FSL report.

This fact has been accepted by the State counsel.

In the circumstances, I do not deem it appropriate to subject the petitioner to arrest atleast till such time as the FSL report is received. Consequently, it is directed that in the event of arrest, the petitioner be released on interim bail and the issue regarding continuation/vacation will be decided by the competent Court after the receipt of the FSL report.

The petitioner-Narender Taneja is directed to appear before the Investigating Officer on 10.06.2019 and on any other date as and when his presence is required.

As regards, **CRM-M-23114-2019** it has been argued by the counsel for the petitioner-Bharat Bhushan that once anticipatory bail was granted to the partners of the concern then the petitioner who is just the father of one of the accused person and has no other interest or link with the business should not be denied the concession of regular bail considering the fact that he has already been in custody since 15.04.2019.

Learned State counsel on instructions from ASI Ram Parkash has accepted these factual assertions.

Keeping in view the above facts and the period of incarceration already suffered by the petitioner and without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the concerned CJM/Illaqa Magistrate/Duty Magistrate on the same terms as to Narender Taneja.

Ordered accordingly.

Both the petitions stand allowed.

Since the main cases have been decided, the pending criminal miscellaneous applications, if any, also stand disposed of.

29.05.2019

pooja sharma-I

Whether speaking/reasoned

Whether Reportable :

**(AJAY TEWARI)
JUDGE**

Yes/No

Yes/No