

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51713-2018 (O&M)

Date of Decision:-25.2.2019

Sunder Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nipun Vashist, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.108 dated 26.3.2018 at Police Station Sector 56, Gurugram under Sections 285, 304-A, 34, 384 and 447 of Indian Penal Code.

The FIR was registered at the instance of Sanat Das, wherein it has been alleged that he has two children, the elder being daughter aged about 13 years and younger being a son and that on the day of occurrence he alongwith his wife had left their hut at about 9:30 AM for work and that his son had gone to school and his daughter was alone at their hut. It is alleged that at about 9:45 AM smoke was seen coming from his hut and from nearby huts and he rushed to the spot and saw that his daughter Deepali had caught fire. The complainant took his daughter to hospital but she succumbed to her

injuries. It is alleged that the fire had been caused due to a blast of LPG cylinder in an adjacent hut and that Nuru, Contractor, who is charging an amount of ₹1500/- per hut illegally, had not made any arrangements for extinguishing fire in such like eventuality and that said Nuru after collecting the amount hands over the same to Sunder son of Bulley.

The learned counsel for the petitioner has submitted that infact the father of the petitioner owned the land in question where the huts are situated and although the land had been acquired by 'Haryana Urban Development Authority' but possession of the same had not been taken over and that, in any case, the petitioner or his father were under no obligation to provide fire extinguishers or other such like facilities.

The learned State counsel, while opposing the petition, has submitted that since unauthorized construction had been raised in the shape of huts by the petitioner, which led to the causality, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.

Having considered rival submissions addressed before this Court, this Court finds that it would certainly be debatable as to whether the petitioner was under any kind of statutory or contractual obligation to provide for fire extinguishers or for such like facilities in the huts constructed on land, which is stated to have been acquired by HUDA.

Having regard to the facts and circumstances of the case, the present petition is accepted and the interim directions issued by this Court vide order dated 26.11.2018 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon

to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The present petition stands accepted accordingly.

25.2.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No