

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55150-2018

Date of decision: 28.01.2019

Daya Kishan

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: None for the petitioner.

ASI Satya Pal.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.112 dated 02.05.2018 under Sections 304-A IPC, Section 9/25 of Prohibition of Employment Scavengers and their Re-habitation Act, 2013 and Section 3(1) (j) of SC & ST Act, 1989, registered at Police Station Civil Lines, Bhiwani, District Bhiwani.

While granting interim anticipatory bail to the petitioner, following order was passed on 13.12.2018: -

“.....Counsel for the petitioner has submitted that the petitioner belongs to the S.C. category and rely upon the Scheduled Caste Certificate (Annexure P3) to this effect. It is further submitted that the petitioner is presently employed as a Junior Engineer in Haryana Urban Development Authority.

Counsel for the petitioner has also submitted that as per the

allegations in the FIR, it is stated by the complainant that 03 persons namely Mukesh Kumar, Rajesh Kumar and Amit Kumar were engaged for cleaning the sewerage and when they demanded safety equipments, they were not provided the same by the Contractor and the S.D.O., HUDA namely Satyanarayan and rather were asked to enter the main hole and on that account, 02 persons namely Mukesh Kumar and Rajesh Kumar due to their negligence, fell unconscious as there was poisonous gas. The contractor ran away from the spot and the death occurred on account of the negligence of the contractor and Satyanarayan, S.D.O. of the department and it was prayed that action be taken against the contractor and Satyanarayan, SDO.

Counsel for the petitioner has further argued that later on, the S.D.O. was arrested and he was granted regular bail by the trial Court on 03.11.2018. It is further argued that from the bare perusal of the FIR, there is no direct allegations against the petitioner and he has now sought to be arrested being subordinate to the S.D.O., on his disclosure statement that the petitioner was also In-charge of the area.

Counsel for the petitioner has further submitted that there is nothing on record to show that the petitioner had employed the deceased persons for cleaning the sewerage as it is own case of the complainant that they were employed by the Contractor. It is also submitted that since the petitioner is an employee, there is no possibility of fleeing from the process of justice and the petitioner

is ready to join the investigation.....”

ASI Satya Pal, the Investigating Officer, who is present in the Court, has submitted that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 13.12.2018 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

28.01.2019
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No