

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

**CRM-M-19203 of 2020(O&M)
DATE OF DECISION : 28.08.2020**

Lakhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Preetwinder Singh Dhaliwal, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Little did the four tender ones, aged between 4 to 10 years, knew when they got ready one morning, to ride in the school van, that it was the last time they would be saying bye to their parents. Nothing can be more heart wrenching and trembling than a tender aged child dying by being burnt alive. Shuddering it is, just the very thought of it. And four of them were burnt alive crying for help, while the rescuers could not help, but just watch helplessly. The petitioner, an accused under Sections 302 read with Section 34 IPC and Section 75 of Juvenile Justice Act, is seeking regular bail in FIR No. 25 dated 15.02.2020.

2. Per FIR, petitioner is the owner of Simran Public School, Longowal. On 15.02.2020, a van bearing registration No. PB11AG-4244, managed and plied by school administration, was enroute to village to drop the children, caught fire, as a result of which, four children out of twelve, died at the spot while some others struggled/struggling of the burn injuries. FIR was

registered. The petitioner, Principal cum Manager of school, was arrested and is stated to be in custody since 16.02.2020.

3. Learned counsel for the petitioner submits that petitioner has full sympathy with the parents who have lost their children. But he has nothing to do with the incident in question. According to him, offence under Section 302 IPC is not attracted as the vehicle caught fire accidentally. He refers to mechanical report Annexure P-2 to contend that there was no gas kit installed therein. According to him, all this was ill fate and beyond control of any body. With the efforts of the driver, eight children were saved. He further points out that the petitioner purchased the vehicle in question a day before the incident i.e. on 14.02.2020, on the assurance of a mechanic about its good condition. He further submits trial would take long time to commence or conclude in the current pandemic scenario, where the Courts are taking only urgent matters.

4. Learned State counsel opposes the bail plea. He submits that a magisterial enquiry conducted into the matter has indicted the petitioner. He submits that petitioner purchased the vehicle in question by putting the life of children at stake, out of sheer greed to make money from transportation charges.

5. Having heard both the learned counsel and after going through the FIR, no grounds are made out for any concession at this stage. It is a matter of trial as to how and at whose fault the vehicle caught fire. However, this Court refrains from commenting thereupon. Considering the gravity and seriousness of the offence, the instant petition is dismissed.

August 28th 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No