

102

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

CRM-M-34469-2022

Date of decision:05.08.2022

KAISAR ALIAS SONU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Deepak Goyal, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The petitioner, by filing the present petition cast under Section 438 of Cr.P.C., seeks grant of anticipatory bail in case FIR No.111 of 25.06.2022, registered at Police Station Pasyana, District Patiala, wherein offences constituted, under Sections 407, 411, 285, 34 of IPC, and, under Sections 4, 5 of The Explosives Substances Act, are embodied.

2. The incriminatory role, as assigned to the present bail petitioner is that, his without a license from the competent authorities, stacking 425 litres of diesel, 430 litres of petrol, and, 15 litres of kerosene oil, at his dhaba, which adjoins Achint Public School. Moreover, it is also alleged in the petition FIR that, he was illicitly concealing the above inflammatory material, for it being supplied to the drivers of trucks, who were visiting his dhaba.

3. The existence of a school in the closest vicinity of the bail petitioner's dhaba, does definitely endanger the property of the school, and, also the inmates therein, as the above highly inflammable material, is amenable for

its resulting upon becoming incendiarised, to thereafter also result in putting to ablaze not only the dhaba where it is stored, but also the adjoining thereto school named, as, Achint Public School.

4. Be that as it may, since the learned State counsel, on instructions given to him, by ASI Balkar Singh submits, that all the relevant recoveries have been effected, at the instance of the present bail petitioner, to the investigating officer concerned, thereupon this Court does not deem it fit to decline the craved for relief of pre-arrest bail to the petitioner.

5. Nonetheless since the present bail petitioner is illicitly stacking in his dhaba, highly inflammable material, which, as, above stated is likely to, at any time set ablaze, the adjoining thereto school, and, consequently result, in endangerments to the property as well as to the inmates of the school, thereupon, it is deemed fit to impose certain stringent conditions precedent, upon the present bail petitioner, for ensuring that, he does not hereafter stack in his dhaba, the above highly inflammable material.

6. In aftermath, with the above condition(s) precedent, inasmuch as, his not hereafter stacking the inflammable material at his dhaba, the present petition is allowed, and, in the event of the arrest of the present bail petitioner, the investigating officer may not arrest the present bail petitioner, however, subject to his furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer, and, also subject to his rendering co-operation to him, in the investigations to be carried into the offences mentioned in the present FIR. Moreover, also with an undertaking, that he shall not tamper with prosecution evidence, and, nor shall influence the prosecution witnesses.

7. However, in case hereafter he stacks in his dhaba, the above inflammable material, and, in case subsequently the investigating officer concerned, receives information about its stacking, thereupon he shall forthwith arrest the present bail petitioner, and, shall produce him before the learned Judicial Magistrate concerned, for orders being made with respect to his put to police or judicial custody.

8. In addition, the present bail petitioner shall also furnish solvent security bonds, before the learned trial Magistrate concerned, comprised in a sum of Rs.50,000/-, to the satisfaction of learned trial Magistrate concerned, and, if he re-indulges in offences similar to the one, as carried in the petition FIR, thereupon, solvent bonds, comprised in a sum of Rs.50,000/-, shall become amenable, for its becoming forfeited to the State of Punjab.

(SURESHWAR THAKUR)
JUDGE

05.08.2022

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Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No