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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35582-2021 (O&M)

Date of Decision: 25.07.2023

Krishan Kaushik

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Abhinav Sood, Advocate and
Mr. Nitesh, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Mr. Kshitij Sharma, Advocate
for the respondent/complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 439 Cr. PC with a prayer to grant of regular bail to him in case FIR No.212 dated 19.07.2021 under Sections 288, 304 (II), 34 of IPC, registered at Police Station Farukh Nagar, District Gurugram (Annexure P-3).

2. On 03.11.2021, a Co-ordinate Bench of this Court had heard the present case and passed the following order:-

Learned senior counsel for the petitioner contends that the petitioner was working as Regional Manager Operations North with Delex Cargo India Private Limited. He further contends that the company had taken the building on rent which was being used as a warehouse. The building, which had

collapsed, was outside the warehouse and was not being used by the tenant-company namely M/s Delex Cargo Private Limited. He also contends that three persons had expired in the incident and the company as an ex gratia had adequately compensated the families of the victims. The petitioner is in custody since 19.07.2021.

Mr. Jagdeep Singh Rana, Advocate has put in appearance on behalf of the legal heirs of victims namely Robin and Tiny Bhardwaj and states that the legal heirs of the aforementioned victims have received compensation from the company.

Ms. Mehak Sahni, Advocate has put in appearance on behalf of the legal heirs of the victim Pardeep and states that they have also been compensated by the company.

Learned State counsel contends that besides three victims there is another injured. At the request of learned State counsel, adjourned to 15.11.2021.

In the meantime, the petitioner is ordered to be released on interim regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

3. Learned counsel for the petitioner contends that the petitioner was ordered to be released on interim regular bail vide the abovesaid order and has not misused the concession of bail in any manner. Learned counsel further contends that in the present case, charge has been ordered to be framed against the petitioner by the learned Trial Court, however, the order framing of charge

has been challenged by the petitioner in CRR No.715-2023 and the further proceedings have been ordered to be stayed. He further contends that the custody of the petitioner is not required, at this stage.

4. Learned State counsel has opposed the prayer made by learned counsel for the petitioner, but she is not in a position to dispute the above referred factual position.

5. I have heard the learned counsel for the parties and with their able assistance, I have gone through the record.

6. From the record as well as submissions made by learned counsel for the parties, it is evident that the investigation in the present case has been completed and the challan has been presented in the competent Court. Further, the proceedings before the Trial Court have also been ordered to be stayed in CRR No.715-2023. Moreover, the petitioner has not misused the concession of interim regular bail granted to him.

7. Consequently, the order dated 03.11.2021 is made absolute and the petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate.

8. All other pending applications, if any, are also disposed off, accordingly.

25.07.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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