

CRM-M-10943-2016

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

CRM-M-10943-2016

Date of decision : 07.04.2016

Kuldeep @ Sarpanch

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr.Ravinder Malik, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

JASWANT SINGH, J.(ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Kuldeep alias Sarpanch in case FIR No. 119, dated 19.06.2015, for offences punishable under Sections 392, Indian Penal Code, Sections 15, 16, Petroleum Act, Sections 3, 4, Explosive Act and Sections 3,4, Prevention of Damage to Public Property Act 1984, registered at Police Station Lakhan Majra, District Rohtak.

As per complaint lodged by Ravinder (Area Manager, GPRSA Security), on 19.06.2015, accused persons, namely, Amit and Ashok had stolen the oil from pipeline by beatings security guards.

There is recovery of iron rod from the possession of the present petitioner/accused (Kuldeep alias Sarpanch) which was used by him while beatings the complainant and other guards.

There is recovery of 50 Ltrs. cane of diesel, parts of welding machine and other parts alongwith one motorcycle from the possession of the accused-Ashok, whereas one drum of diesel as well as Sawraaj and trolley and two containers of 1000 Ltrs. from the possession of accused-Amit had also got recovered.

It is contended that two of the material witnesses have not supported the cause of the prosecution and turned hostile. Similarly placed co-accused Amit @ Meeta has been granted benefit of regular bail vide order 17.03.2016 passed by this Court.

Learned State counsel assisted by ASI Krishan does not dispute the fact that the material witnesses have turned hostile and said similarly placed co-accused has since been released on bail.

Without commenting on the merits of the case, keeping in view the parity of treatment, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the Chief Judicial Magistrate / Duty Magistrate concerned.

(JASWANT SINGH)
JUDGE

April 07, 2016.
Davinder Kumar