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

CRM-M-29594 of 2016

Date of decision: February 20, 2017

Prem

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Status report in the form of affidavit of Desh Raj, HPS, Deputy Superintendent of Police, Panipat, District Panipat filed by learned State counsel, today in Court, is taken on record.

Heard learned counsel for the rival parties.

This is a petition seeking regular bail in FIR No.972 dated 19.12.2015, under Sections 379, 427, 285, 411 of the Indian Penal Code, 1860, Sections 25, 54, 59 of the Arms Act, 1959, Sections 3, 4 of the Prevention of Damage to Public Property Act, 1984, Sections 15, 16 of the Petroleum & Pipe Lines Act, and Sections 3, 4 of Explosive Act, registered at Police Station Model Town, Panipat, District Panipat. Petitioner was arrested on 01.01.2016 and is in jail since then.

Petitioner has been prosecuted for committing theft of petroleum products from the pipeline of Indian Oil Corporation by digging pipeline. It is not in dispute that the petitioner caused damage to the public property and committed serious offence, as a result of which

damage to the pipeline could be disastrous also.

Learned State counsel opposed the petition for grant of regular bail.

However, I find that the petitioner was arrested on 01.01.2016 and by now, it is over a period of more than one year, he is in jail pending trial. Trial may take its own time. It appears that it is the first offence committed by the petitioner. In that view of the matter, I think the petitioner should be released on bail. Petitioner shall file an undertaking on affidavit before the trial Court that he shall not indulge into similar or any other kind of offence anytime in future and, if he is found to have indulged in any such offence, this order shall come to an end.

In that view of the matter, this petition is allowed. Petitioner be released on bail subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned. Petitioner shall file an undertaking on an affidavit, within 2 weeks from the date of his release as a pre-condition for bail, that he shall not indulge into similar or any other kind of offence anytime in future and if he is found so, this order shall come to an end. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses and shall join the trial regularly.

(A.B. CHAUDHARI)
JUDGE

February 20, 2017

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No