

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

**CRM-M No.26028 of 2019 (O&M)
Date of Decision: 03.12.2019**

Vijay Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sudhir Rana, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in case bearing FIR No.30 dated 06.03.2019, under Sections 379, 427 of the Indian Penal Code, 1860; Sections 15, 16, 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962; Sections 3, 4 of the Explosive Substances Act, 1908; Sections 3, 4 of the Prevention of Damage to Public Property Act, 1984; Section 4 of the Essential Services Maintenance Act, 1968, registered at Police Station Rampura, Tehsil and District Rewari.

The case of the prosecution is that on 02.03.2019, complainant-Assistant Incharge (main line), Northern Area Pipeline, Rewari at Indian Oil Corporation Ltd. noticed that there was reduction in the pressure of pipeline carrying petroleum in the northern side of Pipeline at Rewari and due to that, partolling was done by the officials of the Company. On 05.03.2019, one of the officials found that a valve has been affixed in the pipeline and a green colour pipe was affixed with the valve, from which, oil was being stolen. During investigation, co-accused Pappu Singh and

Neelesh were arrested on 02.05.2019 and in pursuance of their disclosures, got recovered the equipments, which were being used in the commission of crime and also disclosed the names of other accused. Thereafter, on 05.05.2019, petitioner was nominated as an accused and he was arrested on that day along with co-accused Joginder.

Contends that petitioner is in custody since 05.05.2019; after investigation in the matter, report under Section 173 Cr.P.C. has already been submitted on 11.07.2019 and charges are yet to be framed in this case. Also contends that petitioner was nominated as an accused on the basis of disclosure statements, made by co-accused Pappu Singh and Neelesh, who have been granted the concession of bail pending trial by learned Additional Sessions Judge, Rewari. Further contends that there is no other criminal case against the petitioner.

The above factual position is duly acknowledged by learned State Counsel, on instructions from S.I. Birender Singh, but opposed the present bail application.

Heard both sides and perused the paper-book.

Since petitioner is in custody since 05.05.2019; investigation is already over; charges are yet to be framed; no other criminal case is pending against him and more particularly, the co-accused Pappu Singh and Neelesh, on whose disclosures, petitioner has been nominated as an accused have already been granted the concession of regular bail by learned trial Court, therefore, his further incarceration would not serve any purpose. Consequently, without expressing any opinion on the merits

of the case, the present petition is allowed. Petitioner be admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The above observations may not be construed as an expression of opinion on the merits of the case.

December 03, 2019

Gagan

(MAHABIR SINGH SINDHU)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No