

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

CRM-M-6665 of 2020

DATE OF DECISION :- February 20, 2020

Darmodar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Sarabjit Singh Grewal, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Custody certificate filed by the State counsel is taken on record.

This petition for regular bail has been filed by petitioner Darmodar Sharma, aged about 32 years, resident of Simlapani, a native of Nepal, presently residing at Village Sukha Singh Wala, Tehsil Maur, District Bathinda, an accused in F.I.R. No. 210 dated 29.12.2019 registered with Police Station Maur, District Bathinda for offences under Sections 420,406,473,380,120B IPC.

Briefly stated the facts of the case as per prosecution story are that DGM-Installation, Hindustan Petroleum Limited (for short HPCL) had sent a written communication dated 28.12.2019 to the police that such concern is a Government of India undertaking engaged in a business of refining petroleum storage installation at Phoos Mandi, near Jassi chowk, Mansa Road to supply various petroleum products to its dealers in the State of Punjab. They are dispatching the product through Tank trucks to more

than 500 retail outlets within Punjab from the said location. The tank truck are locked inside the location with Electro-Mechanical locks and are sent to retail outlets in locked condition. It had come out to their knowledge that pilferage was happening from Tank Lorries dispatched from their depot in a Dhaba premise known as Sran the Dhaba operated by Darmodar Sharma (present petitioner), Sukha Singhwala, Ghuman Kalan, Bathinda. Such person along with tank lorry drivers had been taking out petrol diesel from truck thereby cheating their dealers. That driver of tank truck No. PB11AR9379 (Dealer-cum-transporter Hamara Pump Bamna, District Patiala) namely Gagandeep Singh was also involved in this activity, inasmuch as they had made duplicate keys to open the locks of the tanks of lorries. During the investigation it came out that Lachhman Singh had prepared duplicate keys to open tanks of lorries to Gagandeep Singh, Darmodar Sharma and Jagsir Singh.

Darmodar Sharma was accordingly arrested in this case on 30.12.2019. He along with co-accused had approached the Court of Sessions for grant of regular bail but those were dismissed by Additional Sessions Judge, Bathinda vide order dated 27.1.2020, as such he has approached this Court for similar prayer, which is being resisted by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

As submitted by the State counsel 30 lts. of Petrol had been recovered from the possession of the petitioner. No key etc. was recovered from him. It is stated that investigation is going on. As per custody

certificate produced by the State counsel the petitioner is not shown to be involved in any other criminal case. Completion of investigation, filing of challan and conclusion of trial is likely to take some time. The guilt of the accused shall be determined during the trial.

Considering all the facts and circumstances of the case, this petition is accepted. Petitioner Darmodar Sharma is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Bathinda. However, it is made clear that in case the petitioner is found indulging in any criminal act at a later stage, his order granting bail shall be liable to be withdrawn.

(H.S. MADAAN)
JUDGE

February 20, 2020
p.singh

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