

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

CRM-M-8278-2020(O&M)

Date of decision:- 4.3.2020

Jagsir Kumar alias Jagga

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Ashish Gupta, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Jagsir Kumar alias Jagga, an accused in FIR No.210 dated 29.12.2019 for the offences under Sections 420, 406, 473, 380 and 120-B IPC, registered at Police Station Maur, District Bathinda.

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, 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(present petitioner).

The petitioner was accordingly arrested. 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.

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. His co-accused Darmodar Sharma is said to have been granted regular bail by this Court.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Bathinda, subject to the following conditions:

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

4.3.2020
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No