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

**CRM-M No.12969 of 2020(O&M)
Date of Decision: 05.06.2020**

Narender @ Nander

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Saurabh Dalal, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.548 dated 14.12.2019 registered under Section 15 and 16 of Petroleum Act, Sections 3 and 4 of the Explosive Substances Act, Sections 3 and 4 of the Prevention of Damage to Public Property Act, and Sections 285, 379, 34, 511 IPC at Police Station Sampla Rothak.

As per allegations in the FIR, it is a case of attempted theft wherein installation in terms of welding 2 inches valve, fitting 2 inches band on pipeline, fitting 2 inches valve and

setting up 25 liter drum with 2 inches valve at a distance of 500 meter has been done.

Evidently, as per allegations in the FIR, no oil has been recovered from the said drum. The recovery of an amount of Rs.6000/- alleged to be the amount received after selling the oil, would remain debatable in the context as to whether the oil was in fact pilferaged or not.

Co-accused Bijender @ Kala has been granted bail by the Additional Sessions Judge, Rohtak on 13.01.2020 from whom recovery of Rs.4000/- was effected towards sale proceeds of the oil. Challan has already been presented. Petitioner is in custody since 14.12.2019.

Learned State counsel however, opposed the prayer on the ground that the allegations are under the Explosive Substances Act and also under the Prevention of Damage to Public Property Act, therefore, keeping in view the seriousness of the offence, bail be not granted to the petitioner.

As per allegations in the FIR, the prosecution itself has made it a case of an attempted theft by saying that the accused persons by damaging the pipeline have attempted to commit theft and this attempt followed by installation of 2 inches valve, fitting 2 inches band and then fitting 2.5 inches valve and setting

up 25 liter drum with 2 inches valve at a distance of 500 meter.

Installation at the most can be termed to be a working mechanism. The recovery of oil would be a condition precedent for presuming receiving of sale proceeds thereof. The disclosure of the petitioner, if any, recorded by the police, would be subject to judicial scrutiny in due course.

Keeping in view the facts and circumstances of the case and without meaning anything on merits of the case, it would be just and appropriate to grant regular bail to the petitioner subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

05.06.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No