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

**CRM-M No.17960 of 2020(O&M)
Date of Decision: 24.07.2020**

SatbirPetitioner
Vs
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Ravinder Hooda, Advocate
for the petitioner.

Mr. Vishal Malik, 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 Sections 15, 16 of Petroleum Act, 1934, Sections 3 and 4 of Explosive Substances Act, 1908, Sections 3 and 4 of the Prevention of Damage to Public Property Act, 1984 and Sections 285, 34, 379, 511 IPC at Police Station Sampla, District Rohtak.

The prosecution case is of an attempted theft wherein installation of welding of 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 is alleged.

While granting bail to the co-accused Narender @

Nander vide order dated 05.06.2020 passed in CRM-M No.12969 of 2020, it has been recorded that as per allegations in the FIR, no oil has been recovered from the drum. It would be debatable in the context as to whether the oil was in fact pilferaged or not. Co-accused Bijender @ Kala was 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 alleged oil.

Learned counsel for the petitioner contended that an amount of Rs.6000/- was recovered from Narender @ Nander and an amount of Rs.5000/- was allegedly recovered from the petitioner.

On the other hand, learned State counsel opposed the prayer on the ground that the allegations are under the Explosive Substances Act as well as under the Prevention of Damage to Public Property Act, therefore, keeping in view the seriousness of the offence, petitioner is not entitled for bail.

Having heard learned counsel for the parties and without going into the merits of the case, it can be noticed that the prosecution itself has projected the case of an attempted theft by alleging that the accused persons by damaging the pipeline have attempted to commit theft in the manner as shown in the installation of the mechanism. The working mechanism

would be appreciated in terms of alleged installation. The recovery of oil would be a condition precedent for presuming the receipt of sale proceeds thereof. The disclosure statement of the petitioner, if any, recorded by the petitioner would be subject to judicial scrutiny during trial.

Learned State counsel stated that the challan has not been presented qua the petitioner, however, challan has been presented qua other accused persons. Petitioner is in custody since 31.05.2020.

It would be debatable as to the complicity of the petitioner.

In view of above, at this stage, without meaning anything on merits of the case, I deem it appropriate to enlarge the petitioner on regular bail subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

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

24.07.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No