

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

210

**CRM-M-23063-2020 (O&M)
Date of Decision: 25.08.2020**

SACHIN

.....PETITIONER

Vs

STATE OF HARYANA

.....RESPONDENT

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

Present: Mr. Sudhir Kumar Hooda, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

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

As per prosecution version, it is a case of attempted theft wherein installation in terms of welding of 02 inches valve, fitting 2 inches band on pipeline, fitting 02 inches valve and setting up 25 litres drum with 02 inches valve at a distance of about 500 metres are alleged.

Co-accused Narender @ Nander has been granted regular bail by this Court vide order dated 05.06.2020 passed in CRM-M-12969-2020. It has been recorded therein that as per version in the FIR, no oil has been recovered from the drum. It would be debatable on the context as to whether the oil was in fact pilferaged or not.

Co-accused Bijender alias Kala has been granted bail by the Additional Sessions Judge, Rohtak vide order dated 13.01.2020 from whom the recovery of ₹4000/- was effected towards sale proceeds of the alleged oil.

Learned counsel for the petitioner contended that an amount of ₹10,000/- has been recovered from the petitioner. An amount of ₹6,000/- was recovered from co-accused Narender alias Nander. An amount of ₹5,000/- was recovered from co-accused Satbir, who has also been granted regular bail by this Court vide order dated 24.07.2020 in CRM-17960-2020.

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

Having considered the submissions made by learned counsel for the parties, it can be seen that the prosecution itself has made it a 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 working mechanism.

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 statement of the accused persons, would be subject to judicial scrutiny during the trial.

Learned State counsel further submits that challan has been presented but charges are yet to be framed.

In view of the fact that the petitioner is in custody since 26.05.2020, and due to the situation arising out due to COVID-19 pandemic, the trial may be delayed for sometime. At this stage without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

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

25.08.2020
Sheetal

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No