

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-2482-2021 (O&M)

Date of Decision:- 17.12.2021

Sandeep Kumar

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-5177-2021 (O&M)

Sunil Kumar

... Petitioner

Versus

State of Punjab

... Respondent

(III)

CRM-M-5231-2021 (O&M)

Chander Pal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Paras Sharma, Advocate with
Ms. Tanyaa Kaushik, Advocate, for the petitioner(s).

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Kala Singh.

Mr. Abhishek Sanghi, Advocate with
Mr. Rishabh Sanghi, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the above mentioned three petitions wherein petitioners Sandeep Kumar, Sunil Kumar and Chander Pal, seek grant of anticipatory bail in a case registered vide FIR No. 02, dated 3.1.2021, Police Station Bahawala, District Fazilka, under Sections 379, 408, 465, 467, 468, 471, 120-B IPC.
2. At the time of issuance of notice of motion in CRM-M-2482-2021 the following order was passed on 19.1.2021:

“Learned counsel for the petitioner submits that it is a case where the complainant, who is owner of the petrol pump, came to know that there was some embezzlement of 15600 liters of diesel, which came to his notice when he checked accounts.

Learned counsel for the petitioner submits that pursuant to the alleged embezzlement the entire staff working at the petrol pump has been arrayed as an accused in the FIR and that the petitioner is working as a chowkidar and has nothing to do with dispensing of diesel or collecting the cash.

Notice of motion for 28.4.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when

called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. At the time of issuance of notice of motion in CRM-M Nos.5177 & 5231 of 2021 the following order was passed on 18.2.2021:

“Notice of motion for 28.4.2021.

At this stage Mr. Rishabh Gupta, Advocate, has put in appearance on behalf of the complainant and has objected that the petitioner be not granted any interim relief as Chander Pal (petitioner in CRM-M-5231-2021) is a Manager and was handling the entire accounts and the other peittioner is a salesman and their complicity in the entire racket is clearly evident.

On the other hand, learned counsel for the petitioner has submitted that it is in fact a case where during the Covid-19 period their salary had been reduced to less than half of what they were earlier getting to which the employees did not seriously object but in December, 2020 when they raised their demand for increasing their salary, the owner has turned down their demand and implicated the entire staff of petrol pump including the *chowkidar*, sweeper etc. without there being any specific allegation against any of them.

Having regard to facts and circumstances of the case, it is ordered that in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by

the conditions as provided under Section 438 (2) Cr.P.C.

To be taken up along with CRM-M-2482-2021.

A photocopy of this order be placed on the connected file.”

4. Learned State counsel, upon instructions from ASI Kala Singh, has informed that pursuant to interim directions, the petitioners have joined investigation. He has however, submitted that the petitioners are not fully cooperating inasmuch as they are not disclosing the details of the persons to whom the stolen diesel has been sold off.
5. Learned counsel for the complainant has also opposed the petitions while submitting that the petitioners including the Manager had siphoned off diesel from his petrol pump and that it would be evident from the fact that the meter reading which shows dispensation of the diesel from the dispensing machines does not tally with the diesel found remnant in the storage tanks. He has further submitted that the only explanation for the same is that the same had been taken out directly from storage tanks and had been illegally sold off in neighbouring States where the price of diesel was higher.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the nature of allegations and the facts and circumstances, this Court does not find that any kind of custodial interrogation would be warranted. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 19.1.2021 and 18.2.2021 are hereby made absolute subject to

the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

8. A photocopy of this order be placed on the file of each connected case.

17.12.2021
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(GURVINDER SINGH GILL)
JUDGE

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