

In virtual Court

CRM-M-11105-2021

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

Date of decision: 20.07.2021

1. CRM-M-11105-2021 (O&M)

Jai Parkash

... Petitioner

Vs.

State of Haryana

... Respondent

2. CRM-M-14782-2021 (O&M)

Prince @ Parwinder Singh

... Petitioner

Vs.

State of Haryana

... Respondent

3. CRM-M-20890-2021 (O&M)

Balkar Singh

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. Parminder Singh, Advocate
for the petitioner (in CRM-M-11105-2021).**

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Mr. G.S. Sandhu, Advocate
for the petitioner (s) (in CRM-M-14782 & 20890-2021).

Mr. Chetan Sharma, AAG, Haryana.

Mr. Vineet Chaudhary, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in these three petitions is for grant of regular bail to petitioners Jai Parkash, Prince @ Parwinder Singh and Balkar Singh, in FIR No.2 dated 02.01.2021 under Sections 381, 407, 420 IPC and Sections 467, 468, 471, 120-B IPC (added later on), registered at Police Station Munak, District Karnal.

The FIR was registered at the instance of complainant Ramandeep Singh with the allegations that he is running a petrol pump M/s Manmohan Service Centre, Shahabad Markanda and has employed co-accused Satender Singh as driver and petitioner Balkar Singh as conductor, on his truck bearing registration No.HR-65A-2439. For the last few months, the complainant was noticing that there was shortage of oil. On 29.12.2020, he had sent both; the driver and conductor, to bring the oil and followed them. He noticed that driver, after getting the tanker filled with oil, drove it towards Khan Welding Shop of petitioner Jai Parkash and they have committed the theft of oil from the tanker. At that time, petitioner Prince @ Parwinder Singh was also there, who was helping them in removing 20/22 liters of oil in plastic bucket and had taken 7/8 currency notes of Rs.500/- each. The complainant made phone call to the police

and in the meantime, Satender drove the tanker back from the shop on the main road, where he was stopped by the complainant. Petitioner Balkar Singh was following them on a motorcycle. It is stated that petitioner Balkar Singh is an agent of petitioner Jai Parkash. Later on, the police came and arrested the accused persons. During the investigation, it was found that Vehicle Tracking System (VTS), which was fitted in the tanker, was removed and it was kept on the motorcycle driven by petitioner Prince @ Parwinder Singh, to show that it was moving with the tanker.

Learned counsel for petitioner Balkar Singh submits that he was granted the concession of regular bail by the trial Court on 13.01.2021. Thereafter, the police, during the investigation, added Sections 467, 468, 471, 120-B IPC and accordingly, the bail granted to petitioner Balkar Singh was cancelled on 11.02.2021 and he was re-arrested on 07.03.2021. It is further submitted that as on today, the petitioner is in custody for the last 04 months and 13 days.

Learned counsel for petitioner Prince @ Parwinder Singh submits that he is in custody for the last 05 months and 10 days and is not involved in any other case.

Learned counsel for petitioner Jai Parkash submits that he is in custody for the last 06 months.

The common arguments on behalf of the petitioners are that offences are triable by the Court of Magistrate; investigation is complete; challan has already been presented and it will take long time in conclusion of

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the trial, as number of witnesses have been cited.

Learned State counsel, assisted by learned counsel for the complainant, has, however, argued that the petitioners along with co-accused, by forming a gang, are indulged in theft of oil from the tanker, who, after leaving the depot at Panipat, sell 20-25 liters of oil to earn petty amount. It is further submitted that petitioner Jai Parkash is involved in some other cases.

In reply, learned counsel for petitioner Jai Parkash submits that the petitioner stands acquitted in two cases.

After hearing learned counsel for the parties, without commenting anything on merits of the case and considering the fact that the petitioners are in long custody; offences are triable by the Court of Magistrate and it will take some time in conclusion of the trial, all these three petitions are allowed and the petitioners are directed to be released on regular bail subject to furnishing their bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

[ARVIND SINGH SANGWAN]
JUDGE

20.07.2021
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No