

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20744-2021

DATE OF DECISION: JUNE 10, 2021

KRANTI KUMAR

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. VIPUL AGGARWAL, ADVOCATE
FOR THE PETITIONER.

KANWAR SANJIV KUMAR, AAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.23 dated 7.2.2021, under Section 379, 447, 511 IPC, Section 15, 16 of Petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 and Section 3, 4 of Public Property (Prevention of Damage) Act, 1985, Police Station Kalanwali, Distict Sirsa. The petitioner is in custody since his arrest on 9.3.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Sirsa, in the order dated 29.4.2021, are as under:-

“The facts of the case, which are essential for disposal of this bail application are that on 07.02.2021, Vikash Chander Pareek, Assistant Manager, Security Department HPCL-Mittal Pipelines Limited IPS4 visited to the Police Station, Kalanwali and moved an application regarding theft of crude oil from embedded pipeline. It is further averred in the application that on

6.2.2021, Walker Lal Chand, noticed a piece of land 2 inch x 2 inch pressed than the average level of the land. He informed in this regard to Hardeep Singh, Supervisor and Security Incharge, who directed the Line Walker to conduct search after removing the sand from the said doubtful pressed piece of land. On conducting further search, a 50 Kg Cement bag filled with sand was found kept concealed underneath the said pit. After continuing the search in this regard, some other cement bags full of sand were found lying in the pit. Information in this regard was given in HMPL by SIC Hardyal Singh. Sh. Vikash Chander, Asstt. Manager directed to above named Hardyal Singh and Maintenance Team to reach at the pointed place. On reaching of the team of their company Malkiat Singh, owner of the land in question, who has already visited the fields, was called to come again at the alleged pointed place and in the presence of owner of the land, they conducted search and the Maintenance Team found 39 plastic bags filled with sand and one empty bag was taken out. Thereafter, removing of all the bags, the Maintenance Team on a depth level of about 5 foot 8 inches, noticed a 30 inches pipe line, whereupon a pipe line of two inches and plunge was found to have been welded, which seems to have been installed for conducting theft of crude oil.”

Learned counsel for the petitioner contends that as per the prosecution itself, the alleged offence amounts to attempt only and even the name of the petitioner does not figure in the FIR. According to him, the petitioner has been falsely implicated on the basis of the disclosure statement of the co-accused and as the investigation of the case is complete, therefore, his further custody may not be necessary. He prays that the

petitioner be released on regular bail during the pendency of the trial.

On the other hand, learned counsel for the State assisted by ASI Balwant Rai has opposed the aforesaid prayer on the ground that the petitioner was involved in the alleged crime of stealing the crude oil from the pipeline. However, it is not disputed that the investigation of the case is complete, as the final report stands filed, but the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court is of the opinion that though the final report stands filed, but the charges are yet to be framed. Apart from it, the belligerent re-emergence of pandemic COVID-19 in the region has once again forced the State governments of Punjab, Haryana and U.T. Administration, Chandigarh to impose various restrictions to clampdown the contagion, and it would further delay the conclusion of trial. Thus, the further detention of the petitioner behind the bars may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 9.3.2021.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

June 10, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No