

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

101

**CRM-M-10239-2022 (O&M)
Date of decision: 21.03.2022**

NAKUL BEDI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Mr. Ankur Lal, Advocate for the petitioner.

VINOD S. BHARDWAJ. J. (Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

CRM-9821-2022

Instant application is for seeking early hearing in the main case i.e. CRM-M-10239-2022 which is otherwise fixed for 19.04.2022.

Notice in the application.

Mr. Ashish Yadav, Additional A.G. Haryana, joins proceedings and accepts notice and submits that he has no objection if the application is allowed and the main case is pre-poned.

With the consent of the parties, the instant application is allowed and hearing in the main case i.e. CRM-M-10239-2022 is pre-poned from 19.04.2022 and the main case is taken up on board today itself.

MAIN CASE

1. The instant petition has been filed under Section 438 Cr.P.C. for seeking concession of anticipatory bail in case FIR No. 75 dated

29.07.2021 under Section 15 of Petroleum and Pipe Lines Act, 1962, Section 3/4 of Explosive Substances Act, 1908 and Section 379/34 IPC and Section 3/4 of Prevention of Damage to Public Property Act, 1984 registered at Police Station, Rohadai, Rewari.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely arrayed as an accused in the aforesaid case and that he is not named in the FIR itself. It is further alleged that Police has falsely implicated the petitioner in multiple FIR(s) and that in one case, the petitioner has already been granted concession of interim bail vide order dated 11.02.2022 passed in CRM-M-5941 of 2022. He further made a reference to another case FIR No. 87 dated 18.08.2021 registered under similar circumstances where he points out that Police had filed a status report in the pending bail petition before lower Court pointing out that no role or participation of the petitioner is made out. It is further argued that the premises from which the vehicles filled with petroleum products were recovered do not belong to the petitioner. He further submits that he is ready and willing to join the investigation as and when so desired by the Investigating Agency.

3. Mr. Ashish Yadav, Additional A.G. Haryana joins the proceedings. An advance copy of the petition already stands served upon him. It is pointed out by the learned counsel for the State that there are as many as 12 cases that have been registered against the petitioner along with others. He further points out that petitioner had himself admitted that he owns the godown and had been supplying the stolen petroleum/oil from the pipeline belonging to the Government to various industries. Reference is also made to the fact that the tankers used for transportation of the stolen

petroleum products were also stolen for which separate FIR has been registered. It is pointed out that the tanker bearing registration No.RJ-18GC-1553 containing 20/22 thousand liters stolen petrol was gotten recovered by co-accused Ravinder from the godown of the petitioner pursuant to his disclosure statement. Further, the equipment/instrument used for facilitating clandestine removal of petroleum from the pipeline of the Government have also been recovered from the said godown. It is pointed out that the gang operates at night for extracting oil at different points of the pipeline. He further indicates that the custodial interrogation of the petitioner would be essential for the purposes of curbing the operations of the gang that poses substantial danger to security of public at large as any untoward incident may also occur during such operations considering that the product is highly inflammable.

4. Learned counsel appearing on behalf of the petitioner controverts the allegation that the tankers in question were stolen & argues that he is the owner of the said oil tankers.

5. I have heard learned counsel for the parties at length. It is apparent from a perusal of the same that the petitioner claims to be supplying Petroleum products viz. diesel to various industrial establishments. Significantly, the petitioner is not a dealer or stockist of petrol or diesel and does not hold any valid licence to stock or supply such products. It is equally bizarre that any industrialist would purchase diesel from a person who does not hold any HSD/dealership. The petitioner has also not appended any proof so as to depict the source from where he would acquire petrol/diesel for onward sale to the industrialists and has also failed to append any purchase orders placed by any industrialist or even any

agreement depicting him to be an authorized service provider. The petitioner has also failed to demonstrate any cogent material or the books of account in order to enable the verification of the said claim.

6. In the said background, the claim of the petitioner about the seized truck belonging to him would need even greater explanation. The allegation that empty tankers were seized and were filled up later by the police would not hold much ground as there is no reason why the police would fill up the tanker with diesel to implicate the petitioner. There is no malice attributed to any person. The very fact that the police has submitted a report in favour of the petitioner in one case rather shows that police is not inimical to the petitioner and is investigating impartially.

7. I am thus of the opinion that the antecedents of the petitioner and his involvement in large number of cases, prima facie reflects that he is a part of a well organized gang. They are operating in an organized manner and that such organized criminal nexus ought to be busted to stop repetition of such like offences. The pipelines carrying petrol/diesel are national assets of eminence and any such leniency is likely to cause potential threat to lives of many apart from the mere value of Diesel removed.

8. I find no grounds for extending the concession of pre-arrest bail to the petitioner. The petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 21, 2022

Vishal sharma

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