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

CRM-M-24661-2022

Date of decision:06.07.2022

SACHIN

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

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

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 439 of Cr.P.C., where through the present bail petitioner seeks indulgence of regular bail being accorded to him.

2. FIR No.438 of 13.12.2021, constitutes therein offences under Sections 3 & 4 of The Explosive Substances Act, 1908, Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984, Sections 15 & 16 of Petroleum & Mineral Pipelines Act (as amended 2011) and Sections 285, 34, 379, 511 of the IPC (Sections 120-B, 201 of IPC added later on), and, is lodged at Police Station Asauda, District Jhajjar, therein the commission of incriminatory offences are attributed to the bail petitioner.

3. The incriminatory role, as assigned to the present bail petitioner, is qua his along with other co-accused hence attempting to rig/steal oil, from pipeline of Indian Oil Corporation NRPL, from Chainage No.84.394 km, in village Chhara. The above attempt was stalled on account of an alarm being raised by the official manning the control room in proximity of the site

concerned.

4. The learned counsel appearing for the present bail petitioner submits, that the FIR has been lodged against an unknown person. Therefore, the prosecution, at this stage, has been unable to fix the identity of the present bail petitioner in the commission of the petition offences, but the above submission is rejected. The reason being that the abandoned vehicle, as was existing at the crime site, has been, at this stage, *prima-facie* proven to be owned by the present bail petitioner.

5. Since the attempt to commit the petition offence(s) became frustrated, and, obviously when the petition offences, did not come to be consummated, therefore, and, also when all the relevant recoveries, have been stated at the bar, by the learned State counsel, to become effected, by the investigating officer concerned. Consequently, since the investigations into the petition FIR are complete, and, when the judicial incarceration of the present bail petitioner has commenced on 20.12.2021, thereupon the afore prolonged judicial detention of the present bail petitioner, is not deemed fit, and, just to be further prolonged.

6. However, he submits that since the accused-bail applicant, is a habitual offender, hence, the craved for facility of regular bail, in the instant application, be not accorded to him, as, in the event of the facility of regular bail becoming granted to him, there is every likelihood of his fleeing from justice, and, tampering with prosecution evidence, and, also his influencing prosecution witnesses, besides his re-indulging in criminal activities.

7. Be that as it may, the imposition of stringent conditions, is rather deemed fit and appropriate, for being imposed upon the petitioner-bail applicant, necessarily as a measure to allay, the apprehension (*supra*), as becomes reared by the learned State counsel.

8. Consequently, it is not necessary to prolong the judicial incarceration of the bail petitioner-applicant. The instant petition is allowed, and, the bail petitioner-applicant is ordered to be released from judicial custody. However, the granting of bail to the bail petitioner-applicant, is subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his appearing before the trial Court concerned, as and when directed to make his personal appearance unless validly exempted. Further, subject to the petitioner-bail applicant making an undertaking before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, that in case, he re-indulges in criminal activities, whereupon, on breach thereof, the order made today, shall become *ipso facto* annulled, and, upon his being forthwith arrested by the investigating officer concerned, the latter shall produce the petitioner-bail applicant before the trial Court concerned, for the latter making an order for his being put to judicial custody.

9. Copy dasti.

06.07.2022

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(SURESHWAR THAKUR)
JUDGE

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