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

CRM-M-51554-2022

Date of decision : 15.11.2022

Ranjeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohd. Uzair, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No.380 dated 29.10.2021 registered under Sections 379/427/201 of the Indian Penal Code, 1860; Sections 15(2)(4)/16 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land Act, 1962, Sections 3/4 of the Explosive Substances Act, 1908; and Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 at Police Station Sadar, Fatehabad, District Fatehabad.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 13.11.2021 and the investigation is complete and the challan has been presented and there are 23 prosecution

witnesses, out of whom three have been examined, thus, the trial is likely to take time. It is further submitted that the petitioner was not named in the FIR and there is no evidence linking the petitioner with the alleged offence. It is also submitted that from the petitioner recovery of Rs.2000/- has been effected and the said recovery could also not link the petitioner with the alleged offence, inasmuch as, it is not the case of the prosecution that the said amount has been stolen from the place of the alleged occurrence and the allegations in the present FIR are with respect to theft of oil, which was flowing from the underground pipe by putting a valve in the underground oil pipeline by drilling hole in the pipeline of the company. It is further argued that the co-accused of the petitioner namely Firad Ali and Krishan who are similarly placed as the present petitioner have been granted the concession of regular bail by this Court vide order dated 18.10.2022 passed in CRM-M-41741-2022 and CRM-M-26595-2022.

Learned State counsel has opposed the present petition for regular bail and has submitted that in the present case, as per the allegations in the FIR, when the Supervisor of the Hindustan Petroleum Limited had reached the spot, he saw that oil had been stolen through the pipe by putting a valve in the underground oil pipeline of the company and that on the spot a little oil was leaking and it was found that certain thieves had, by drilling a hole in the underground oil pipeline, stolen oil by putting valve in the pipe and thus, apart from stealing the oil, they had also damaged the government property by drilling a hole in the government underground oil pipeline. It is further pointed out that in the present case, mobile phone of the petitioner has also been recovered and the petitioner is involved in two other cases and

thus, he is habitual offender.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and gone through the paper-book.

The petitioner has been in custody since 13.11.2021 and the investigation is complete and the challan has been presented and out of 23 prosecution witnesses, only three witnesses have been examined and thus, the trial is likely to take time. The petitioner was not named in the FIR. The recovery of Rs.2000/- and the mobile phone have already been effected from petitioner. The co-accused of the petitioner namely Firad Ali and Krishan who are similarly placed as the present petitioner have been granted the concession of regular bail by this Court vide order dated 18.10.2022

passed in CRM-M-41741-2022 and CRM-M-26595-2022.

Keeping in view the above-said facts and circumstances as well as in view of the law laid down in **Maulana Mohd. Amir Rashadi's** case (supra), the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present cases which are only for the purpose of adjudicating the present bail petition.

It is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

15.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

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

Whether reportable:- **Yes/No**