

CRM-M-51845-2022;
CRM-M-51852-2022 &
CRM-M-57563-2022

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243+245

CRM-M-51845-2022
Decided on : 15.12.2022

Jitender @ Rajeev

... Petitioner

Versus

State of Haryana

... Respondent

AND

CRM-M-51852-2022

Alok @ Ganesh

... Petitioner

Versus

State of Haryana

... Respondents

AND

CRM-M-57563-2022

Ramesh Chand

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. V. B. Godara, Advocate
for the petitioners(s).

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This order shall dispose of three petitions bearing No. CRM-M-51845-2022 filed by Jitender @ Rajeev, CRM-M-51852-2022 filed by Alok @ Ganesh and CRM-M-57563-2022 filed by Ramesh Chand as the same are arising out of the same FIR No. 380 dated 29.10.2021 under Sections 15(2) (4) and 16 of Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962, 3 & 4 of Explosive Substance Act, 379, 427 and 201 IPC and Sections 3 & 4 of Prevention of

Damage to Public Property Act, 1984

Learned counsel for the petitioner has submitted that the petitioner Jitender @ Rajeev has been in custody since 12.12.2021, the petitioner Alok @ Ganesh has been in custody since 20.01.2022 and the petitioner Ramesh Chand has been in custody since 17.01.2022 and the investigation qua the present petitioners 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 petitioners were not named in the FIR and there is no evidence linking the petitioners with the alleged offence. It is submitted that the recovery has already been effected from the petitioners. It is further submitted that the co-accused of the petitioners namely Firad Ali and Krishan have already 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 respectively and the cases of the present petitioners are on similar footing as that of the abovesaid co-accused.

Learned State counsel on the other hand has opposed the present applications for regular bail and has submitted that the petitioners are involved in other cases also and 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.

Learned counsel for the petitioner(s), 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 the learned counsel for the parties and has perused the file.

The petitioner Jitender @ Rajeev has been in custody since 12.12.2021, the petitioner Alok @ Ganesh has been in custody since 20.01.2022 and the petitioner Ramesh Chand has been in custody since 17.01.2022 and the challan has been presented and there are 23 prosecution witnesses, out of whom only three have been examined,

thus, the trial is likely to take time. The recovery has already been effected from the petitioners and the co-accused of the petitioners i.e. Firad Ali and Krishan have already 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 respectively.

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 petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to them 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 petitions.

It is made clear that in case, any act is done by the petitioners 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 petitioners.

(VIKAS BAHL)
JUDGE

December 15, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No