

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1059-2023

Date of Decision: 12.5.2023

Pawan

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Argued by: Mr. Vinod Ghai, Sr. Advocate with
Mr. Saurav Dogra, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.264 dated 26.12.2021 registered for the offences punishable under Sections 15 of Petroleum and Minerals Pipelines Act (Acquisition of Right of Users in Land) Act, Section 3 and 4 of Explosive Substances Act, Sections 379, 413, 34 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act at Police Station Rampura, District Rewari.

2. The allegations in brief are that the police received information regarding theft of oil from Hindustan Petroleum Corporation Limited (in short, 'HPCL') pipeline. A complaint in this regard was also moved by Mahender Singh, Supervisor, Dattar Security Service Group who was having duty to safeguard the pipeline of HPCL. On reaching the spot, two valves (two inch) and one valve (one inch) were found there and it was

found that place where the incident of theft of oil from pipeline had taken place belongs to PWD. Resultantly, FIR in the present case was registered against unknown persons.

3. Learned senior counsel has *inter alia* contended that the petitioner is innocent. He has further submitted that the petitioner was named as accused on the basis of the alleged disclosure statement made by co-accused Nakul Bedi and the same is subject matter of trial. He has further submitted that the petitioner was arrested in this case and is in custody for the last more than 8 months and amount of ₹ 64,000/- is stated to be recovered at his instance. He has further submitted that no petroleum product or vehicle is stated to have been recovered at the instance of the petitioner.

4. Present petition is resisted by the State counsel who has produced the custody certificate. State counsel further has submitted that the petitioner is involved in the present case and is also involved in another 5 criminal cases of similar nature. However, the State counsel has not disputed the fact that the petitioner is in custody in the present case for the last more than 8 months and that the alleged recoveries are already effected and that the challan has been presented but trial is yet to commence.

5. I have considered the submissions made by the counsel for the parties.

6. FIR in this case was registered against unknown persons who committed theft of oil from pipeline belonging to HPCL and later on, the petitioner was named as accused and is in custody for the last more than 8 months and the investigation is already complete but it will take considerable time for the trial to conclude.

7. In the instant case, there is no recovery of any petroleum product or vehicle from the custody of the petitioner. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 12, 2023
Paritosh Kumar

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