

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10471-2023 (O&M)

Date of Decision: 22.5.2023

Indraj

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. J.P.Jangu, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

KARAMJIT SINGH, J. (Oral)

CRM-23292-2023

Allowed as prayed for and document Annexures A-1 is taken
on record subject to all just exceptions.

Main case

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, 117, 411, 420, 467, 468, 471, 120-B, 201 IPC, Sections 3 and 4 of Prevention of Damage to Public Property Act, Section 16 of Petroleum and Pipelines (Acquisition of Right of User in Land), Section 15 (IV) of Petroleum and Pipelines (Acquisition of Right of User in

Land) and Section 25 of Arms 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. Counsel for the petitioner *inter alia* contends that the petitioner is falsely implicated in the present case and is in custody since 4.12.2022 and that during investigation, no incriminating article was recovered at the instance of the petitioner and as per prosecution version, the petitioner got effected recovery of ₹ 3900/-. He further contends that after completion of investigation, challan has been presented but it will take time for the trial to conclude. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who produced custody certificate. State counsel further submits that there are specific allegations against the petitioner; that he changed the chassis number of the oil tanker and further, forged the papers of said tanker. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 5 months and is having no criminal history and that challan has been presented but trial is still to commence. State counsel has also not disputed the fact that co-accused Nakul Bedi and Pawan are already given

benefit of regular bail by this Court vide orders dated 12.5.2023.

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 5 months and the investigation is already complete but it will take considerable time for the trial to conclude. Further, similarly situated co-accused Nakul Bedi and Pawan are already given concession of regular bail and copies of concerned bail orders are taken on record.
7. Admittedly, in the instant case, there is no recovery of any stolen petroleum product or vehicle from the custody of the petitioner. Even alleged forged documents are not recovered from possession of the petitioner. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further 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 22, 2023
Paritosh Kumar

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