

CRM Nos.M-17663, 25631 & 30149 of 2023

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-17663-2023
Date of Decision: 12.07.2023

Mukesh Kumar Petitioner
Versus
State of Haryana Respondent

CRM-M-25631-2023

Deshraj @ Deshu Petitioner
Versus
State of Haryana Respondent

CRM-M-30149-2023

Gopal Krishan Petitioner
Versus
State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. M.D. Khan, Advocate,
for the petitioner in CRM-M-17663-2023.

Mr. Parmod Kumar, Advocate,
for the petitioner in CRM-M-25631-2023.

Mr. Gurmeet Singh, Advocate for
Mr. Ankur Lal, Advocate,
for the petitioner in CRM-M-30149-2023.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

1. These petitions have been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioners and are being taken up together for final disposal with the consent of the learned

counsels for the petitioners, since all the petitions arise out of the same FIR bearing No.264 dated 26.12.2021, under Sections 15, 16 & 15(IV) of the Petroleum and Mineral Pipeline (Acquisition of Rights of User in L.D.) Act, 1962, Sections 3 & 4 of Explosive Substance Act, Sections 379, 413, 34, 117, 411, 420, 467, 468, 471, 120-B, 201 of the IPC and Sections 3 & 4 of PDPP Act, 1994, registered at Police Station Rampura, District Rewari.

2. It has been submitted by the learned counsels for the petitioners that all the petitioners are in custody from about 8 months and the investigation of the case has already been completed and thereafter, challan has also been presented before the competent Court. They further submitted that the present FIR was lodged against unknown persons with an allegations of committing of theft of oil from the pipeline belonging to the Hindustan Petroleum. They also submitted that no further recovery is to be effected from the petitioners and in fact they were falsely implicated in the present case. They further submitted that the other co-accused, namely, Nakul Bedi, Pawan and Indraj have already been extended the benefit of regular bail by a Co-ordinate Bench of this Court. They also submitted that the present petitioners are also at parity with the aforesaid co-accused and since the trial of the case may take long time, therefore, the petitioners may be considered for grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, learned Assistant Advocate General, Haryana has submitted that it is correct that the petitioners have faced incarceration for about 8 months and after completion of investigation of the case, the challan has been presented before the competent Court. She further submitted that it is also correct that the other

co-accused who are at parity with the present petitioners, have already been extended the benefit of regular bail.

4. I have heard the learned counsels for the parties.
5. The petitioners are stated to be in custody from about 8 months and it has been brought to the notice of this Court by the learned counsels for the parties that three other co-accused who are exactly at parity with the present petitioners have been extended the benefit of regular bail by a Co-ordinate Bench of this Court. Furthermore, it is not the case of the State nor it has been argued by the learned State counsel that in case the petitioners are released on regular bail then they may abscond or flee from justice or may influence any witness or may tamper with the evidence. The trial of the case may take long time and as per the learned State counsel, no recovery is to be effected from the petitioners. Therefore, considering the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioners.
6. Consequently, these petitions are allowed and the petitioners are ordered to be released on regular bail on furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.
7. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

12.07.2023

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No