

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20143-2023
DECIDED ON: 28th APRIL, 2023

NAKUL BEDI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vinod Ghai, Sr. Advocate with
Mr. Saurav Dogra, Advocate and
Mr. Parth Singh, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in FIR No. 112, dated 10.04.2021, under Sections 379, 34, 117, 120-B, 413, 411, 420, 467, 468, 471, 15/16, Petroleum and Minerals Pipelines (Acquisition of Rights of User in Land) Act, 1962, 15(iv) Petroleum and Minerals Pipelines (Acquisition of Rights of User in Land) Amendment Act, 2021 3-4 Explosive Substance Act, 1908, 3-4, Prevention of Damage to Public Property Act, 1959 registered at Police Station Bawal, District Rewari.

2. It is the case of learned senior advocate that the petitioner has been roped in the present case merely on the basis disclosure statement dated 21.01.2022 suffered by Ravinder and Anil, who named the various

persons including the petitioner.

3. It is on the basis of that disclosure statement the petitioner was arrested on 22.08.2022 wherein prior to that on 24.01.2021, two tankers containing 49 drums consisting of 200 litres of petrolium were recovered by the police from the outside of the gowdown of the petitioner. It is also brought to the notice of this Court that the story of the prosecution is highly improbable who has planted a recovery of Rs.90,000/- on 22.08.2022 at the time when the petitioner was arrested, i.e. almost after 1 year and 4 months, after the registration of FIR out of total currency of Rs.1,00,000/- earned by the petitioner from the sale of such petrolium products.

4. The learned Senior counsel has also asserted that in fact there were two gowdowns out of which one belongs to the petitioner, which he has taken on rent vide rent agreement dated 09.06.2021 (Annexure P-2) and another gowdown belongs to one Amit Rana dated 03.07.2021 (Annexure P-3). It is also vehemently contended by the learned Senior counsel that the investigating agency has not conclusively ascertained as to whom the tankers and the drums loaded therein belong, which have been found to be parked outside the said gowdowns. It is the categoric stand of the petitioner that neither the trucks nor the loaded drums belong to him and even the premises also do not belong to the petitioner.

5. Learned State counsel on the other hand has produced the custody certificate which is taken on record and contends that the petitioner is involved in other multiple 6 cases of similar nature and has spent 8 months and 3 days only in custody so far and in the light of the fact that the specific recovery has been effected from the premises of the petitioner

including the tankers and 49 drums of the petroleum, therefore, he is not entitled to the concession of regular bail at this stage.

6. On a query put by this Court, learned State counsel had apprised that though the challan has already been filed but the charges have not yet been framed meaning thereby, the investigation is complete.

7. Considering the custody period undergone by the petitioner i.e. 8 months and 3 days and added with the fact that the investigation is complete no useful purpose would be served by keeping the petitioner behind the bars and also in view of the disputed fact that the prosecution has not yet been able to ascertain as to whether the truck and loaded petroleum belong to the petitioner or not, which are actually in the name of one Sonu, who contested the application seeking release of those vehicles on Superdari but lost his petition even before this Court. It is also to be borne in mind that the trial is not likely to be concluded in the near future and all the other FIRs which have been referred by the learned State counsel in the custody period, are subsequent to the lodging of instant FIR that too on the basis of disclosure statement of two accused namely Ravinder and Anil alone having no cogent material to connect the petitioner with the commissioning of offence atleast at this stage, to deny the concession of regular bail.

8. In view of the aforesaid discussion, the petitioner is ordered to be released on regular bail on his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

9. The present petition stands allowed in the afore-said terms.

10. However, it is made clear that anything stated hereinabove

shall not be construed as an expression of opinion on the merits of the case.

28th APRIL, 2023
yogesh

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No