

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29065-2023 (O&M)
Decided on : 06.07.2023

Nakul Bedi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Rahul Mohan, Sr. DAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

1. The petitioner is seeking concession of regular bail in case FIR No.470 dated 20.06.2021 under Sections 15 of Petroleum and Minerals Pipelines (Acquisition of Rights of User in Land) Act, 1962, Sections 3 and 4 of Explosive Substances Act, 1908 and Sections 285, 34, 379, 411, 413, 420, 427, 467, 468, 471 and Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 registered at Police Station Kharkhoda District Sonapat.
2. Learned Senior counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the case in hand on the basis of disclosure statements allegedly suffered by co-accused Dinesh Rathi on 09.07.2022, Mohit @ Mota on 14.10.2022 and Sunil @ Banda on 18.12.2022 respectively, who were apprehended at the spot when they were trying to commit theft of petrol from IOCL pipelines. Learned Senior counsel submits

that in their alleged disclosure statements, the co-accused stated that they had committed theft of petrol at the behest of the petitioner and petrol was to be delivered to him. Learned Senior counsel further submits that the evidentiary value of such disclosure statements on the basis of which the petitioner has been made an accused, is of a weak nature, more so, when it is a matter of record that no recovery much less of any petrol was ever effected from the petitioner. Learned Senior counsel has also submitted that the petitioner has been in custody since 16.12.2022 and investigation is complete as final report under Section 173(2) Cr.PC stands presented before the Court concerned. Learned Senior counsel therefore, submits that in the aforementioned circumstances, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from SI Rahul submits that the petitioner is involved in as many as nine cases of similar nature. Learned State counsel further submits that no doubt, neither the petitioner was apprehended at the spot nor any recovery was effected from his possession, however, the crime committed by him is of grave and heinous nature and it could have led to very serious repercussions had the pipelines exploded on account of they having been tampered with by the co-accused, who were nabbed at the spot. Learned State counsel, however, on instructions has not disputed that the petitioner has been released on bail in the other cases

registered against him, by Coordinate Benches of this Court vide orders dated 28.04.2023, 18.05.2023 and 12.05.2023 (Annexures P-2, P-4 and P-5).

4. Heard learned counsel for the parties and perused the relevant material on record.

5. The case in hand rests on disclosure statements allegedly made by the co-accused and no recovery was admittedly effected from the possession of the petitioner. The investigation is complete as challan has been presented and even charges framed. Therefore, further incarceration of the petitioner, in the circumstances, would serve no useful purpose. Accordingly, the present petition is allowed. The petitioner be admitted to bail to the satisfaction to the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

06.07.2023
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No